There were those in Louisiana who agreed with him on this question, and while a vast number did not, yet such was the nobility of his character and his sincerity of purpose that the latter class forgot this difference for many other issues on which there was perfect accord between him and them.

His honesty was his pride, and the slightest stain upon his reputation for probity, if believed by his people, would have tortured him like the shirt of Nessus. Of criticism by his friends he was duly sensitive; but the calumniator and muck raker who sought to impugn his motives and to destroy his reputation for honesty was ever answered simply by his dignified silence, knowing full well that his people trusted him always and believed him honest. He was ever fond of quoting what Gayarré handed down as emanating from the first American governor of Louisiana, W. C. C. Claiborne:

The lie of the day gives me no concern. Neglected calumny soon expires. Notice it, and you gratify your calumniators; prosecute it, and it acquires consequence; punish it, and you enlist in its favor the public sympathy.

In Senator McENERY were the precepts of true justice so defined by Justinian, that constant and perpetual disposition to render every man his due. He never made a promise but that he kept it; never was a trust reposed in him that he betrayed. The Delphic Oracle had no standing among his ideals, and double tongue was never a subterfuge of this frank, bold man.

As a companion Senator McENERY was to the last most attractive. Many an evening have I visited him in the modest quarters where he resided in Washington, and after dinner, while enjoying a cigar, he frequently became reminiscent. And gazing into "that world of memory in which the distant seems to grow clear and the near to fade," he loved to speak of antebellum days in Louisiana and was most entertaining upon that subject, while few if any could recite or depict more vividly the true history of reconstruction. Seldom did he wish to dwell much upon matters that did not pertain to Louisiana, her people, and what had happened or was still happening there; and not in the sad sense which Scott intended, but as an emblem of the State he loved, his heart found solace in the literal meaning of the words:

Oh, lady, twine no wreath for me,
Or twine if of the cypress tree.

Truly he was Louisiana's "grand old man." We loved Senator McENERY living; we mourn him dead. We regarded him with that devotion which Cicero so loved to laud in "De Amicitia"—friendship, exalted friendship, the love of man for man. Hosts of Louisianians there are still loving him for the memories of long ago when in the pride of his young manhood, and more who knew and revered him in the grandeur of his old age, and who now, that he dwells in the land "beyond the turmoil of renown," shall revere him as one who while he stopped here made the world better for his stay. His name will not perish in the grave of his body.

A soldier, but "one who never turned his back to an enemy, and who knelt to none save God;" a citizen whose services to his people in the dark era of the seventies will not yield in splendor to those of N. B. Forrest; a governor whose administration took up the cord of prosperity where broken and put asunder for two decades, and united the ends in lasting strength; a justice of the supreme court of his State who held the scales so evenly as to demonstrate to all that his sole motive was that justice be done, the united interest of the people preserved, and confidence in the court maintained, until the motto of Louisiana was not more a guide for him than he for it; a Senator of the United States whose three terms of service saw him as faithful to his people on the morning of June 28, 1910, as the youth of 18 in 1856 and the soldier of 23 in 1861. From the beginning to the end he served well.

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and makes it burst forth from its prison walls, will He leave negligent the soul of man who was made in the image of His Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He withhold the words of hope from the souls of men when the frosts of winter come? If matter, mute and inanimate, though changed by the force of nature into a multitude of forms, can never die, will the spirit of man suffer annihilation after it has paid a brief visit like a royal guest to this tenement of clay? Rather let us believe that He, who wastes not the raindrop, the blade of grass, nor the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal and gathered to himself the generous spirit of our friend.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolutions heretofore adopted, as a further mark of respect to the late Senator DOLLIVER and the late Senator McENERY, the House will adjourn.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Monday, February 27, 1911, at 11 o'clock a. m.

SENATE.

MONDAY, *February 27, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I object.

The VICE PRESIDENT. Objection is made. The Secretary will continue the reading of the Journal.

The reading of the Journal was resumed.

Mr. KEAN. I should like to ask the Senator from Iowa if he has heard read that part of the Journal he desired to hear.

The VICE PRESIDENT. The Senator from New Jersey asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. CUMMINS. I object.

The VICE PRESIDENT. The Senator from Iowa objects.

Mr. KEAN. I thought perhaps the Senator had heard read that part of the Journal he was interested in.

Mr. CUMMINS. I am very much interested in every part of the Journal this morning. I hope the Secretary will read every word of it.

The VICE PRESIDENT. The Secretary will resume the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal.

The VICE PRESIDENT. Without objection, the Journal as read will stand approved.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the Thirteenth Annual Report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return to that body of the joint resolution (S. J. Res. 145) providing for the filling of a vacancy, which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Mr. LODGE. In this connection I offer the following resolution.

The resolution (S. Res. 373) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to inform the House of Representatives that the enrolled Senate joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress is now and was in the possession of the House when the House requested its return on the 24th of February, having been delivered to the House on the 23d of February and signed by the Speaker.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. JONATHAN P. DOLLIVER, late a Senator from the State of Iowa.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. SAMUEL D. McENERY, late a Senator from the State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

MISSISSIPPI RIVER BRIDGE AT WATERTOWN, ILL.

Mr. CULLOM. On Saturday I undertook to have a little bill passed to which there is no objection, but I failed to get the proper number. I ask the Senate now to put on its passage the bill (H. R. 32440) authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island. It is very brief.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OUACHITA RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 10882) to authorize the county of Ouachita, Ark., to construct a bridge across Ouachita River.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN WEST VIRGINIA.

Mr. SCOTT. I should like unanimous consent to call up the bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia.

Mr. HEYBURN. I should like to ask the Senator whether this has been included in the Judiciary Title which is now in conference. If it has, there is no occasion for the enactment of a law in regard to it. I called upon the Senators to hand in any memorandum with reference to a change of the existing times and places of holding courts, and I assume it was handed in.

Mr. SCOTT. No; I think not. This is a House bill reported by the Judiciary Committee.

Mr. HEYBURN. I think the Senator will find it in the Judiciary Title.

Mr. SCOTT. I think not.

Mr. HEYBURN. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of the State of Kansas, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the Senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of House concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.

[SEAL.] CHAS. H. SESSIONS,
Secretary of State.

The VICE PRESIDENT presented a memorial of the Waterbury Felt Co., of Skaneatekes Falls, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of San Antonio, Tex., remonstrating against the United States taking any part in the so-called Mexican revolution, which was referred to the Committee on Foreign Relations.

Mr. FRYE presented memorials of Westostogo Grange, of North Yarmouth; of Local Grange of Farmington; of Floral Grange, of North Bucksport; of Local Grange of Fort Fairfield; of Silver Lake Grange, of China; and of Local Grange of Wayne, all of the Patrons of Husbandry; and of 1,200 employees of the paper and pulp mills of Livermore Falls, Chisholm, and Riley, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be read and referred to the Committee on Conservation of National Resources.

There being no objection, the joint memorial was read and referred to the Committee on Conservation of National Resources, as follows:

Senate joint memorial No. 5.

Memorializing the Congress of the United States to enact such legislation relative to the several subjects of conservation as shall remove the present existing hindrances to the proper progress and development of the West.

Be it resolved by the senate of the State of Wyoming (the house of representatives of said State concurring):

Whereas there is a great diversity of natural resources in the country lying west of the Missouri River, and there exists numerous varying natural conditions affecting the proper development of these resources by reason of which general blanket statutes and departmental rules can not be applied without resulting in great detriment to the development and hardship and injustice to the denizen and developer of the West, such varying conditions existing even within State boundaries, and which conditions are and can only be understood by the actual residents and workers within the particular territory by nature so conditioned; and

Whereas a vast territory has been segregated and set aside as forest reserves upon which no tree ever grew or ever will or can be grown, and unreasonable departmental rules promulgated and enforced relative thereto whereby a vast acreage of grazing and agricultural land is rendered valueless for home building and the production of meats and wool, destructive fires being the natural result of the unutilized grasses of these reserves, said fires would be prevented by the passage of these lands into private ownership; and

Whereas by reason of the indiscriminating departmental rules the homesteader, prospector, and developer are practically, and often entirely and in fact, debarred from prosecuting his proper, worthy, and useful occupation for the benefit of himself, the community, and posterity; and

Whereas under the present conditions, existing by reason of the recent conservation withdrawals of oil, coal, and other lands and power sites, all development and even use of these resources for the benefit of this section and the country at large is practically precluded, and thereby great injustice, loss of money—in many instances financial ruin—and expensive litigation has been forced upon our people; and

Whereas we, the builders of these western Commonwealths, believe in the proper conservation of these nature's resources, but on such lines as will insure their development, their proper, economical, and unmonopolized use now and hereafter: Now therefore be it

Resolved, That the Congress of the United States is hereby memorialized and requested to enact such legislation as will relieve and correct the errors and mistakes herein set forth, and most earnestly do hereby recommend that all the natural resources in the Western States be given, under proper restrictions and conditions, to the State wherein they are situated, so they may be under the supervision of those on the ground who are experienced in the many and diversified conditions there prevailing, and so they shall not be subjected to the unknowing, unexperienced, and uninterested control of those living at a distance from the scene of action, or who are sent here as agents without knowledge of their supposed sphere of action; be it further

Resolved, That the secretary of state be instructed to send a copy of this memorial to each of our Representatives in Congress.

Approved February 18, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial 5 on file in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint memorial was referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4.

Memorial to the Senate and House of Representatives of the United States, requesting Congress to pass the Mondell bill, providing for a parcels post on the rural and star routes of the United States.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the people of the State of Wyoming are sorely in need of quicker, cheaper, and more adequate transportation facilities, whereby they can receive and transmit small packages over the rural and star routes; and

Whereas the Mondell bill, now pending before the Congress of the United States, whereby parcels up to 11 pounds may be transmitted over said routes for the sum of 25 cents per package, thus offering greatly increased accommodations to our people, appears to promise just the relief desired: Therefore be it

Resolved, That the Congress of the United States is hereby earnestly petitioned to pass the said parcels-post bill; and be it further

Resolved, That a certified copy of this memorial be sent to the United States Senators and Representative in Congress from Wyoming.

Approved February 18, 1911.

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STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial No. 4 filed in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. MCCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Twelfth Legislative Assembly, State of North Dakota—Concurrent resolution, introduced by Mr. Bessesen.

Whereas about 90 per cent of the grain handled at terminals is interstate; and

Whereas it is an injustice for any one State, by reason of its having terminal points within its borders, to exercise the absolute power of inspection over the grains of the numerous grain-growing States which regularly ship all the grain to its terminals; and

Whereas the shipping of grain is in reality interstate commerce and the inspection thereof should be controlled by the Federal Government, so as to give more absolute justice and equality to all and so as to result in the least discrimination against any particular State or locality; and

Whereas the Federal inspection of meats and foods has resulted in unformity and far-reaching benefit to the people of this country; and

Whereas the interests of the State of North Dakota are agricultural and its chief source of wealth is its grain crop; and

Whereas the grain crop is annually shipped through the terminals of other States and is dependent for its grading and inspection upon the laws of other States; and

Whereas it is apparent that the highest degree of efficiency and uniformity in grain grading and inspection can be attained only under Federal supervision; and

Whereas a concurrent resolution for an amendment to the constitution of this State providing for the erection, leasing, purchase, and operating of terminal elevators in the States of Minnesota and Wisconsin has passed the legislative assembly of 1909, and is again before this assembly for passage; and

Whereas in order to make it effective in the highest degree a Federal law providing for Federal inspection of grains is desirable: Now therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That this legislative assembly puts itself on record in favor of a just system of Federal inspection of grains, and that the early passage by the Congress of the United States of a Federal law for the Federal inspection of grains is urged and earnestly recommended, and that our Senators and Representatives in Congress be requested and urged to work and vote for the speedy passage of such a bill in Congress providing for such Federal inspection of grain; and be it further

Resolved, That a copy of this resolution be forthwith sent to each of our United States Senators and Representatives in Congress.

This certifies that the foregoing concurrent resolution originated in the senate and was concurred in by the house of representatives of the Twelfth Legislative Assembly of the State of North Dakota.

MOHER L. BURDICK,
President of the Senate.
JAS. M. HANLEY,
Speaker of the House.

Mr. BRIGGS presented memorials of Rancocas Grange, Somerset Grange, Mercer Grange, Lincoln Grange, Bridgeport Grange, Blue Anchor Grange, Franklin Grange, and of the New Jersey State Grange, Patrons of Husbandry; John A. McBride, of the board of managers of the State Hospital, Morris Plains; and of sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Hat Finishers' Union of Newark, N. J., praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward D. Fox, of Trenton, N. J., and the petition of Joe Hooker Post, Department of New Jersey, Grand Army of the Republic, of Atlantic City, N. J., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 34.

Whereas section 3, article 16, of the constitution of Oklahoma authorizes the legislature to provide for a system of levees and drains in the State; and

Whereas owing to the legislation upon the alienation or incumbrance of land owned by members of the Five Civilized Tribes, in many sections which should be embraced in levy or drainage districts, it is impossible to organize such districts; and

Whereas thousands of acres of the most fertile lands lying in the east side of the State are, for the reasons above set forth, now nonproductive, which would, if properly protected by levees or drainage, produce annually thousands of dollars of wealth and would greatly enhance in value, thus materially benefiting the owners of such lands and the entire country: Therefore be it

Resolved by the house and senate of the Oklahoma Legislature, That Congress be, and is hereby, memorialized to grant such relief to such districts at the earliest possible date by adequate legislation as will empower the members of the Indian tribes owning lands in districts subject to levee and drainage to participate in the formation of such districts and the issuance of bonds as provided by the laws of the State of Oklahoma, to the end that justice may be done the owners of said lands, and that thousands of acres of our best lands, which are now nonproductive, may be converted into happy, prosperous homes, and that said lands may contribute their share to the support and welfare of the entire country; be it further

Resolved, That a copy of these resolutions be immediately forwarded to each of the United States Senators and Representatives in Congress from Oklahoma, and that copies be sent to the chambers of commerce of the most important cities in the neighboring States, with a request that they urge their Representatives in Congress to aid in procuring the relief herein prayed for.

Passed the house of representatives February 16, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 16, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 20.

Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein):

1. That we heartily approve all the provisions of said bill, and that we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendments as to benefits provided.

2. That copies of this resolution, signed by the respective officers of both the senate and house, when properly engrossed, be sent each of the Senators from the State of Oklahoma in the Congress of the United States.

Passed by the senate this 16th day of February, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives this 17th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for an increase in the salary of railway mail clerks, and remonstrating against the reported policy in failing to fill vacancies in the railway mail service, which was ordered to lie on the table.

He also presented the memorial of Carl F. Rakow, of Wheatland, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. JONES. I present a large number of telegrams in the nature of memorials, signed by business firms in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram, as follows:

SEATTLE, WASH., *February 18, 1911.*

Hon. WESLEY L. JONES,
United States Senate, Washington D. C.:

The banking and business interests Seattle deem reciprocity measure of especial menace to Pacific coast industries. Lumber, coal, fish, fruit, shipping, wheat, and Alaska trade seriously jeopardized without any compensating feature from Canada. Lumber valued at $20,000,000 to California yearly jeopardized because of being shipped in American bottoms as against lesser wages in foreign bottoms from Canada. Northwest Canada territory wheat best in world and will seriously compete with Washington. Seattle's Alaska business will be divided with Vancouver and Prince Rupert. Fish business will be diverted to Frazer River and eastern British Columbia. Apples will be diverted to Wenatche, Yakima, and Hood River. British Columbia coal will harm our coal mines. We are simply turning over resources this country to Canada without recompense. Urge you to vote and work against reciprocity; if passage bill imperative it should provide removal duty on Canadian logs and make absolute free trade.

Northern Bank & Trust Co., W. L. Collier, cashier; Citizens National Bank, per E. W. Campbell, assistant cashier; American Savings Bank & Trust Co., by J. P. Gleason, manager; The Mercantile Bank, by O. S. Harley, manager; The State Bank of Seattle, H. H. Sailberg, vice president; Washington Trust & Savings Bank, W. H. Parsons, vice president; Metropolitan Bank, by J. T. McVay, cashier; The Dexter Horton National Bank of Seattle, by N. H. Latimer, president; Seattle National Bank, by J. F. Furthe; The Scandinavian American Bank, J. F. Lane, cashier; Commercial State Bank, W. B. Shoemaker, cashier; The Bank for Savings, by D. E. Kellcher, president; German American Bank, I. J. Riley, cashier; James D. Hoge; First National Bank, by M. H. Arnold, president.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that the telegrams be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the legislative committee, Nation of the Lakotah, of Olympia, Wash.

Telegram from the Chamber of Commerce of Seattle, Wash.

Telegram from the Chamber of Commerce of Bellingham, Wash.

Telegram from the Commercial Club of South Bend, Oreg.

Telegram from the Commercial Club of North Bend, Oreg.

Telegram from the Business Men's Association of Everett, Wash.

Telegram from the Bank of California, of Seattle, Wash.

Telegram from the stationary firemen of Bellingham, Wash.

Telegram from the Preston Mill Co., of Preston, Wash.

Telegram from the Pugett Mill Co., of Seattle, Wash.

Telegram from Galbraith, Bacon & Co., of Seattle, Wash.

Telegram from G. N. Skinner, of Seattle, Wash.

Telegram from the Altoona Packing Co., of Astoria, Oreg.

Telegram from the Simpson Lumber Co., of North Bend, Oreg.

Telegram from the North Bend Manufacturing Co., of North Bend, Oreg.

Telegram from The Moran Co., of Seattle, Wash.

Telegram from the O'Connell Lumber Co., of Winlock, Wash.

Telegram from the S. E. Slade Lumber Co., of Vancouver, Wash.

Telegram from the Tacoma Mill Co., of Tacoma, Wash.

Telegram from the Wheeler Osgood Co., of Tacoma, Wash.

Telegram from the Western Pine Manufacturing Association, of Spokane, Wash.

Telegram from Everett G. Griggs, of Tacoma, Wash.

Telegram from the Shepard Traill Co., of Seattle, Wash.

Telegram from W. H. Decan, of Bellingham, Wash.

Telegram from the Stimson Milling Co., of Seattle, Wash.

Telegram from J. H. Bloedel, of Bellingham, Wash.

Telegram from Victor E. Beckman, of Seattle, Wash.

Telegram from the Robert S. Wilson Lumber Co., of Seattle, Wash.

Telegram from John McMasters, of Seattle, Wash.

Telegram from the Atlas Lumber & Shingle Co., of Seattle, Wash.

Telegram from the Seattle Lumber Co., of Seattle, Wash.

Telegram from the Day Lumber Co., of Seattle, Wash.

Telegram from the Jamison Shingle Co., of Everett, Wash.

Telegram from the Building Managers' Association, of Seattle, Wash.

Telegram from the Alaska Pacific Steamship Co., of Tacoma, Wash.

Telegram from the Central Labor Council of Seattle, Wash.

Telegram from Local Union No. 288, International Brotherhood of Stationary Firemen, of Bremerton, Wash.

Telegram from the Typographical Union of Seattle, Wash.

Telegram from Charles H. Frye, of Seattle, Wash.

Telegram from the Washington Clay Works Association, of Seattle, Wash.

Telegram from Lester, Herrick & Herrick, of Seattle, Wash.

Telegram from M. J. Batchelder, Aaron Jones, and T. C. Atkeson, legislative committee of the National Grange, of Concord, N. H.

Telegram from J. S. Goldsmith, of Seattle, Wash.

Telegram from the Everett Pulp & Paper Co., of Everett, Wash.

Telegram from the Ship Owners' Stevedoring Co., Rothschild & Co., Bartlett & Co., and Brown & McCabe, of Seattle, Wash.

Telegram from the Pacific Coast Steamship Co., of San Francisco, Cal.

Telegram from the Occidental Fish Co. (Inc.), of Seattle, Wash.

Telegram from the Blom Codfish Co., Western Codfish Co., Matheson Fisheries Co., King & Winge Codfish Co., and Seattle & Alaska Fish Co., of Seattle, Wash.

Telegram from Fred S. Stimson, of Seattle, Wash.

Telegram from the Northwest Lumber Co., of Seattle, Wash.

Mr. JONES. I present telegrams in the nature of petitions, signed by citizens of the State of Washington, praying for the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram as follows:

SEATTLE, WASH., *February 23, 1911.*

Senator JONES, *Washington, D. C.:*

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that only good to the peoples of both countries will follow its adoption.

English Lumber Co., by E. G. English, president; Tom Moore Boom Co., by W. H. McEwan, treasurer; Campbell Lumber Co., by James Campbell, president, John A. Campbell, secretary, George H. Snowden; Continental Mill Co., by M. Thompson; Ferguson-Dugan Investment Co., by Joseph Ferguson, president; Frederick H. White; E. C. Million; P. C. Leonard Lumber Co., by W. W. Hamilton, secretary; Tyee Logging Co., by E. C. Million, secretary; Peters & Powell, by W. A. Peters; The J. M. Coleman Co., by L. J. Coleman, president.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that they be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the Kennewick Commercial Club, by R. A. Mitchell, secretary, of Kennewick, Wash.

Telegram from the Wenatchee Commercial Club, by R. R. Ellinwood, L. J. Crollard, W. O. Parr, special committee, of Wenatchee, Wash.

Telegram from W. A. White, manager of the Yakima Implement Co., of North Yakima, Wash.

Telegram from the Mitchell Lewis & Staver Co., by J. R. Posson, manager, of Spokane, Wash.

Telegram from W. R. Criffield, manager of the J. H. Morrow Implement Co., of Walla Walla, Wash.

Telegram from W. L. Taylor, manager of John Deere Plow Co., of Spokane, Wash.

Telegram from the Northwest Trust & Safe Deposit Co., E. Sherrock, president, of Seattle, Wash.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 7.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled, being the twelfth regular session, respectfully represent in petition as follows:

There are over 300,000 acres of arid land in Benton, Yakima, and Klickitat Counties in the State of Washington, lying in the valley of the Columbia River, and commonly known as the "Horse Heaven" district, which are capable of irrigation. About three-fourths of this land is now held in private ownership and the remainder has been filed upon under the desert-land acts.

The entrymen who have filed on this land under the desert act have done their assessment work and made their annual proofs in good faith, and confidently believe that they could make reclamation and final proof within the limit of time provided by the United States statutes and extension enactments amendatory thereto, but the work of bringing water from the mountains, distant 150 miles, has proven so great that it is now apparent that more time will be required than is now given by law.

Much of this vast district of 300,000 acres or more is valueless without irrigation, and it is now definitely known that irrigation is possible therefor at a reasonable cost. It has often been announced through press reports that the Reclamation Department of the United States Government will pursue a policy of encouragement to private capital in reclaiming arid lands. Most of the projects with water supply comparatively near have already been undertaken, and those in which the water supply is remote can not be financed and canals built within the period given to desert entrymen for making final proof.

Wherefore your memorialists respectfully petition the Congress of the United States to enact a law which shall extend the time in which the desert-land entrymen of the "Horse Heaven" district may make final proof until such time as water may become available to them through an irrigation project now under way for this district.

Passed the house January 25, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 14, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES presented memorials of sundry citizens of Prosser, Wash.; of Prairie Grange, No. 191; Columbia Pomona Grange, of Clarke County; Sunny Side Grange; Fern Bluff Grange, No. 267, of Sultan; Lincoln Grange, No. 357, of Matlock; Whibby Grange, No. 354, of Island; Happy Valley Grange, No. 322; and Local Grange of Tekoa, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. TALIAFERRO presented a petition of sundry citizens of Polk County, Fla., remonstrating against the enactment of legislation donating 300,000 acres of Government land in the Territory of New Mexico to the archbishop of Santa Fe, etc., which was referred to the Committee on Territories.

Mr. BRISTOW. I submit a concurrent resolution of the Legislature of the State of Kansas, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States, and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of house concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.

[SEAL.] CHAS. H. SESSIONS, *Secretary of State.*

Mr. LORIMER presented petitions of Local Union No. 21, Branch 1, United Brewery Workmen, of New Athens; of Twin City Local Union of the Federation of Labor, of Champaign and Urbana; of Local Union No. 742, United Brotherhood of Carpenters and Joiners, of Decatur; of Federal Labor Union, No. 8281, of Lincoln; of Stone Planermen's Union, No. 13093, of Chicago; of Local Division No. 22, Order Railway Conductors, of Chillicothe; of Iron Molders' Local Union No. 134, of Kewanee; of Washington Camp No. 9, Patriotic Order Sons of America, of Chicago; of Fox River Valley Council, Brotherhood of Carpenters and Joiners, of Aurora; of Local Union No. 568, Brotherhood of Carpenters and Joiners, of Lincoln; of Local Union No. 873, United Brotherhood of Carpenters and Joiners, of Lawrenceville; of Local Union No. 1883, Brotherhood of Carpenters and Joiners, of Macomb; of Local No. 1267, Retail Clerks International Protective Association, of Breese; and of the Trades Assembly, of Belleville, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the memorial of George S. Frick, of Champaign, Ill., and the memorial of J. C. Sailor, secretary of the Iroquois County Farmers' Institute, of Illinois, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of Burnside Lodge, No. 50, International Association of Car Workers, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Shabbona, Ill., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of Local Union No. 352, Farmers' Educational and Cooperative Union of America, of Mount Carmel, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Farmington and Peoria, in the State of Illinois, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Mount Carmel, Ellery, and Fairfield, all in the State of Illinois, remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Council Fire of Yolo Tribe, No. 397, Improved Order of Red Men, of Chicago, Ill., praying that an appropriation be made for the erection of a national Indian memorial, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Aurora, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a memorial of the Philadelphia Peace Association, of Philadelphia, Pa., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented petitions of Local Grange of Ledyard; Local Grange of Goshen; Local Grange of Plymouth; Local Grange of Colebrook; Local Grange of Manchester; Local Grange of Mystic; Natchaug Grange, of Chaplin; Local Grange of Meriden; Local Grange of Wethersfield; Local Grange of Durham; Local Grange of West Hartford; Easton Grange, of Bridgeport; Local Grange of Haddam Neck; Local Grange of Cromwell; Local Grange of Groton; New London County Pomona Grange; Rippowam Grange, of Stamford; Local Grange of Danbury; and Greenfield Hill Grange, of Fairfield, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Business Men's Association of Seymour, the Business Men's Association of Middletown, and of the Business Men's Association of Hartford, all in the State of Connecticut, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of the Connecticut Pomological Society; the Wolf Den Grange, of Pomfret; of Good Will Grange, of Glastonbury; the Lake Valley Grange, of Sherman; of Local Grange of Groton; Rippowam Grange, of Stamford;

Local Grange of Cromwell; Local Grange of Plainville; Indian River Grange, of Milford; Local Grange of Plainfield; Local Grange of Norwich; Local Grange of Bridgewater; Local Grange of Danbury; Local Grange of Seymour; Local Grange of Tolland; Local Grange of Old Lyme; Lake Valley Grange, of Sherman; Hillstown Grange, of East Hartford; Local Grange of Avon; Local Grange of Wallingford; Local Grange of Manchester; Tunxis Grange, of Bloomfield; Beacon Valley Grange, of Naugatuck; and Mad River Grange, of Waterbury, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing increased salaries for Federal judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing for the erection of buildings for the accommodation of United States ambassadors in foreign countries, which was ordered to lie on the table.

Mr. KEAN presented the memorial of P. A. Mertz, of Plainfield, N. J., and the memorial of E. C. Stibbs, of Red Bank, N. J., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Frank O. Cole, of Jersey City, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented memorials of the Eastwood Wire Manufacturing Co., of Belleville; of Rancocas Grange, No. 131, of Burlington County; and of Somerset Grange, No. 7, of Middlebush, Patrons of Husbandry, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BULKELEY presented petitions of Danbury Grange, Rippowan Grange, Meriden Grange, Wethersfield Grange, West Hartford Grange, Durham Grange, Manchester Grange, Colebrook Grange, Plymouth Grange, Goshen Grange, Ledyard Grange, Groton Grange, Haddam Neck Grange, Easton Grange, Greenfield Hill Grange, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented petitions of sundry citizens of Chillicothe, Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Chillicothe, Dayton, Cleveland, Akron, Columbus, Niles, and Cincinnati, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Society of Friends of the State of Ohio, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

He also presented petitions of Ed. L. Ford, Joseph G. Butler, jr., George D. Wick, and Philip Wick, all of Youngstown, Ohio, and of the International Association of Machinists of Lima, Ohio, praying for the enactment of legislation authorizing the construction of all battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Plainville Council, No. 330, Junior Order United American Mechanics, of Dayton, Ohio, and a petition of Bricklayers and Masons Local No. 43, of Niles, Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Commercial Protective Association of Cleveland, Ohio, praying for an increase in the rate of postage on periodicals and magazines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Farmers' Institute of West Salem, Ohio, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Stationary Firemen of Columbus, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Cleveland, Akron, Norwalk, Springfield, Dayton, Toledo, Cincinnati, Canton, Youngstown, Custar, Gibsonburg, Tarlton, Mount Vernon, Columbus, and Rushsylvania, all in the State of Ohio, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented memorials of Marlboro Grange, No. 904, and of sundry citizens of Canandaigua, Birdsall, Dalton, Wesley, Whitney Crossing, Lisbon Falls, New York City, Fort Edward, Skaneateles Falls, and Livingston Manor, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the National Piano Manufacturers' Association of America, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association of Syracuse, N. Y., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Peekskill Musical Union, No. 29, of Peekskill, N. Y., praying for the enactment of legislation to prohibit competition between enlisted and civilian musicians, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented memorials of Hillsboro County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hillsboro County; and of Mount Prospect Grange, No. 242, of Lancaster, all of the Patrons of Husbandry; and of D. C. Hoyt, of Bradford; Orin S. Huntley, of Hillsboro; of Alton F. Sanborn, of Raymond; and of sundry citizens of Danbury, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the North Conway Woman's Club, of North Conway, N. H., praying that an investigation be made into the condition of dairy products for the further prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. ROOT presented a memorial of sundry bankers of New York City, N. Y., remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

Mr. HALE presented memorials of Good Cheer Grange, No. 323, Patrons of Husbandry, of Bradford, Me., and of sundry citizens of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. PILES presented a memorial of Lincoln Grange, No. 357, of Matlock; Big Bottom Grange, No. 268, of Randle; and of Fisher Grange, No. 211, of Fisher, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. RAYNER presented a petition of Pride of Allegany Council, No. 59, Junior Order United American Mechanics, of Westernport, Md., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. LODGE presented a memorial of sundry vessel owners, masters, and fishermen of Provincetown, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of citizens of the Commonwealth of Massachusetts, favoring the annexation of Crete with Greece, which were referred to the Committee on Foreign Relations.

Mr. GUGGENHEIM presented a petition of sundry stockholders of the United Wireless Telegraph Co., residents of Denver, Colo., praying for the enactment of legislation providing for an investigation of the status of telegraph companies in the country, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of members of sundry Grand Army posts in the city of Philadelphia, Pa., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. LA FOLLETTE. I present a joint resolution adopted by the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (65a) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. SWANSON. I present resolutions signed by the president and secretary of the Farmers' Educational and Cooperative Union of Virginia, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the resolutions were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas the United States Immigration Commission, after four years investigation involving the expenditure of almost $1,000,000, reports that restriction is demanded by "economic, moral, and social reasons," specifically recommends a reading and writing test, "as the most feasible single method for excluding undesirable immigration," and suggests also an increased head tax, a limitation of numbers, a money qualification, and other measures that are law in other countries and which have been urged by the Farmers' Educational and Cooperative Union of America in National and State convention; and

Whereas the United States is the only country with any considerable net foreign immigration, as a result of her feeble immigration laws; and

Whereas it is proposed in order to permit the foreign steamships to bring more and to relieve the Northeast of its immigration evils, that the present enormous annual alien influx of over a million, of whom less than 15,000 last year were "farmers," be diverted and distributed over the agricultural sections, and a Federal Division of Information and Display has been established for accomplishing such purpose: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of Virginia in State convention this 7th day of February, That we earnestly urge upon Congress the immediate passage of H. R. 15413, and such other measures as will give this country some such protection from undesirable immigration as is recommended by the Immigration Commission and is in force in other civilized countries, such as Canada, Australia, and Natal; and be it further

Resolved, That the State secretary send at once a copy of this resolution to the entire Virginia congressional delegation with the request that it be presented to Congress, and to the President, at Washington, D. C.

Passed unanimously and enthusiastically indorse action of legislative committee at Washington last March before the House Committee on Immigration and Scott bill.

D. M. GANNAWAY, *President,*
H. L. PETTY, *Secretary,*
Farmers' Educational and Cooperative Union of America.

Mr. SHIVELY presented a memorial of Pine Lake Grange, Patrons of Husbandry, of La Porte, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented petitions of the Journal, the Chronicle, the Republican, and the Miami County Sentinel, all of Peru, in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of George Harmon and 14 other ex-soldiers, residents of Brownsburg, Ind., and the petition of George W. Rodenbaugh and 16 other ex-soldiers, residents of Cayuga, Ind., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. STONE presented a memorial of the American Federation of Catholic Societies in convention at New Orleans, La., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Missouri, praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of Evergreen Camp, No. 4, Woodmen of the World, of Carthage; of Botree Camp, No. 26, Woodmen of the World, of West Plains; of Linden Camp, No. 565, Woodmen of the World, of Maplewood; and of Defiance Lodge, No. 850, Modern Brotherhood of America, of Defiance, all in the State of Missouri, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Lodge No. 363, International Association of Machinists, of Queen City; of the Central Trades and Labor Council of Cape Girardeau; of Local Union No. 1827, United Mine Workers of America, of Lexington; and of the Sedalia Federation of Labor, all in the State of Missouri, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Journeymen Tailors' Local Union No. 6, of Sedalia; of the Culture Club, of Edina; of the United States History Class, of St. Louis; and of Local Union No. 26, United Garment Workers of America, of St. Louis, all in the State of Missouri, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of St. Louis, Mo., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, of Warrensburg, Mo., and a petition of Captain John Mathews Post, No. 69, Department of Missouri, Grand Army of the Republic, of Springfield, Mo., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Schuyler County, Mo., remonstrating against the creation of a Civil War volunteer officers' retired list, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Missouri, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Hamburg and Benton, in the State of Missouri, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of Local Grange No. 39, Patrons of Husbandry, of North Scituate, R. I., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented memorials of Local Grange No. 156, of Surry; of Hillsborough County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hancock; of Mount Prospect Grange, No. 242, of Lancaster; and of Merrimack County Pomona Grange, of North Boscawen, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. OWEN. I present the memorial of Moncena Dunn, of La Crosse, Wis., setting forth the coupon ballot as authorized by the laws of Wisconsin. It is an improved method of assuring an honest ballot, which I understand has been adopted by the State of Wisconsin. I move that the memorial be printed as a Senate document (No. 840).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 10668) to satisfy certain claims against the Government arising under the Navy Department, reported it with an amendment and submitted a report (No. 1252) thereon.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1253) thereon.

He also, from the same committee, to which was referred the bill (H. R. 32822) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 1254) thereon.

He also, from the same committee, to which was referred the amendment submitted by Mr. MCCUMBER on the 23d instant, proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-first Congress, third session, and also to appropriate $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-first Congress, third session, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 2328) to grant an honorable discharge to Alfred L. Dutton, reported it with amendments and submitted a report (No. 1255) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 19010) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the Navy, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 19685) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill., reported it without amendment and submitted a report (No. 1257) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 23826) to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stats. L., p. 183), reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River, at Northport, reported it with an amendment and submitted a report (No. 1259) thereon.

S. H. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back favorably the bill (H. R. 18512) for the relief of S. H. Robinson, of Allegheny County, Pa., and I submit a report (No. 1249) thereon. It is the unanimous report of the committee, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. H. Robinson, of Allegheny County, Pa., $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, that being the amount recommended to be paid him by the Chief of Engineers, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HACKENSACK RIVER CANAL, NEW JERSEY.

Mr. FRYE. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes, and I submit a report (No. 1251) thereon. I call the attention of the Senator from New Jersey [Mr. KEAN] to the bill.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to add as a new section the following:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVIATION IN WEIGHT OF SILVER COINS.

Mr. SMOOT. I am directed by the Committee on Finance, to which was referred the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins, to report it favorably, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Utah asks for the immediate consideration of a bill, which the Secretary will read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, 1½ grains."

Mr. HEYBURN. Let the bill be again reported.

The Secretary again read the bill.

Mr. HEYBURN. I should like to know the necessity for the porposed legislation.

Mr. SMOOT. I can state it in a very few words, Mr. President. In the present law there is an accepted deviation from the standard weight of 1½ grains in the case of an individual half dollar, an individual dollar, an individual quarter, and an individual 10-cent piece. But in the mints, where the coins are weighed together, there is entirely a different acceptable deviation, and every dime and every quarter and every half and every dollar has to be counted now separately at the mints. This makes the deviation of a grain and a half for all the same, whether it be an individual piece or in bulk.

Mr. HEYBURN. You can not recognize the right of the mint to grow careless in the coinage.

Mr. SMOOT. This has nothing to do with the coinage.

Mr. HEYBURN. Coins in the mint ought to be absolutely true to the weight, and whenever we recognize laxity on the part of the mint we are opening the door to greater carelessness. I object to the consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

NATIONAL DEFENSE SECRETS.

Mr. BRANDEGEE. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 26656) to prevent the disclosure of national defense secrets, to report it favorably, and I submit a report (No. 1250) thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAYNTER:

A bill (S. 10893) granting a pension to Samuel G Hillis; to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 10894) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. FLINT:

A bill (S. 10895) to set apart a certain tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as Sequoia National Park; to the Committee on Public Lands.

By Mr. PENROSE:

A joint resolution (S. J. Res. 146) directing the Commission on Universal Peace to report upon a plan for commemorating the one hundredth anniversary of the signing of the treaty of Ghent; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $12,000 for the purchase of 15 portraits of Justices of the Supreme Court of the United States, intended to be proposed by

him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in New Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KEAN submitted an amendment proposing that from July 1, 1911, the salary of the United States attorney for the district of New Jersey shall be $5,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CUMMINS submitted an amendment proposing to increase the salary of the property records clerk, Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SUTHERLAND submitted an amendment proposing to appropriate $360, being an additional amount to the salary of the assistant clerk to the Committee on Cuban Relations, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $50,000 for continuing the survey of public lands in the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP submitted an amendment proposing to appropriate $64,000 to pay the publishers of the Federal Reporter for back volumes and current volumes of the Federal Reporter, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $8,000,000 for the erection and completion of a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor, in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the control of the waters of the Niagara Falls, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LORIMER submitted an amendment providing that the increased rate of postage shall not apply to industrial and trade periodicals issued weekly, monthly, or otherwise, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $4,000 for the salary of the collector of customs for the customs district of Montana and Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the extension of the road in the Yellowstone National Park to properly connect with the new Canyon Hotel, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $69,200, to be immediately available, for the administration and improvement of the Glacier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to increase the limit of cost of the post-office and courthouse building at New Orleans, La., to $350,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $21,000 for the placing of suitable lights and signals in Cape Fear River below Wilmington, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $4,000 for the salary of solicitor of the Government Printing Office in the Department of Justice, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at Tulsa, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at McAlester, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at Chickasha, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to reimburse Benjamin S. Hanchett, of Grand Rapids, Mich., for money expended for necessary expenses while attending the meetings of the assay commission in March, 1905, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate $30,000 for an electric lighting plant, including the enlargement of the power house, and one new boiler at the Battle Mountain Sanitarium, Hot Springs, Ark., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $45,000 for the commencement of the building for the post office at Searcy, Ark., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $210,000 for the purchase of the so-called Carpenter Pennsylvania Avenue tract, in the District of Columbia, for park purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment relative to the salaries of plate printers in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

RECIPROCITY WITH CANADA.

Mr. WATSON. I submit an amendment intended to be proposed to the bill (H. R. 32216) to promote reciprocal trade relations with Canada, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. WATSON to the bill H. R. 32216, viz: Insert the following: On page 8 strike out lines 17 and 18, as follows: "Coal slack or culm of all kinds, such as will pass through a half-inch screen, 15 cents per ton." And on page 15, line 19, after the word "screen," strike out the words "45 cents per ton" and insert the words "and coal slack or culm of all kinds, such as will pass through a half-inch screen," and place the same on the free list. So that the amendment will read on page 15, beginning with line 17, as follows:

"Coal, bituminous, round and run of mine, including bituminous coal such as will not pass through a three-quarter-inch screen, and coal slack or culm of all kinds, such as will pass through a half-inch screen, free."

WITHDRAWAL OF PAPERS—LAND IN FORT SMITH, ARK.

On motion of Mr. WARREN, it was

Ordered, That all papers accompanying Senate bill No. 10348, Sixty-first Congress, third session, entitled "A bill to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city," be withdrawn from the files of the Senate, no adverse report having been made on said bill.

WITHDRAWAL OF PAPERS—GEORGE D. BLAKEY.

On motion of Mr. PAYNTER, it was

Ordered, That the heirs and representatives of George D. Blakey be, and they are hereby, authorized to withdraw from the files of the Senate all papers relating to and on file in connection with Senate bill 3925, Sixty-first Congress, second session, entitled "A bill for the relief of George D. Blakey," no adverse report having been made thereon.

ADVANCES IN FREIGHT RATES.

Mr. LA FOLLETTE submitted the following concurrent resolution (S. Con. Res. 41), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate Document No. 725, Sixty-first Congress, third session, be printed, 3,000 for the use of the House of Representatives and 2,000 for the United States Senate.

RATE ADVANCE CASES.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 374), which was considered by unanimous consent and agreed to:

Resolved, That the decision of the Interstate Commerce Commission in the rate advance cases known as Docket No. 3400 and Docket No. 3500 be printed as a part of Document No. 725.

LIST OF CLAIMS.

Mr. HALE submitted the following resolution (S. Res. 376), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

RUSSIA AND THE AMERICAN PASSPORT.

Mr. SHIVELY. I present a paper, being the address of Louis Marshall, on Russia and the American passport, before the Union of American Hebrew Congregations, New York, Thursday, January 19, 1911. I move that the paper be printed as a Senate document (No. 839).

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. McCUMBER. I present a short letter from the Modern Miller, of St. Louis, Mo. There are two paragraphs which I should like to have read, so that they may go into the RECORD, because they are very pertinent in reply to a question which was asked by the Senator from South Carolina [Mr. SMITH].

The VICE PRESIDENT. Without objection, the Secretary will read the paragraphs, as requested by the Senator from North Dakota.

The Secretary read as follows:

Hon. P. J. McCUMBER, *Washington, D. C.*

DEAR SIR: I note the vigorous stand you have taken against Canada reciprocity and the fact that it will discourage wheat culture in the United States and encourage the away-from-the-farm movement to the Canadian fields. As this is apparently, to us, a most unfortunate prospect, I take the liberty of calling your attention to the fact that free wheat can not possibly be a factor of consequence in reducing the cost of living. The annual per capita consumption of flour in the United States is but slightly in excess of one barrel per year. It takes approximately 5 bushels of wheat to make a barrel of flour, and if free wheat reduces the cost 10 cents per bushel it would mean an annual saving of 50 cents per barrel of flour to each consumer in the United States. Thus a consumer would receive a reduction of 50 cents per year in the cost of living. There is no getting away from this substantial fact. Furthermore, if a consumer uses bakers' bread, he will not receive one penny's worth of benefit in the reduction of the cost of living, as the little matter of 50 cents per year will be absorbed by the baker.

So far as the question of free wheat reducing the cost of living is concerned, it is beyond the question of a doubt a myth. While the reduction of 10 cents a bushel would mean a material loss to the farmer, but a matter of more consequence is that it would discourage wheat culture in this country and would cause dependence upon Canadian wheat prospects.

The VICE PRESIDENT. The letter will lie on the table.

INCREASED POSTAGE ON SECOND-CLASS MATTER.

Mr. PENROSE. I present a number of communications from the Postmaster General relative to the increased rate of postage on second-class mail matter. I move that the communications be printed as a Senate document (No. 841).

The motion was agreed to.

RATES FOR BONDING GOVERNMENT EMPLOYEES.

Mr. GALLINGER. From the joint commission of Congress to inquire into the rates of premium heretofore and now being charged, as well as those proposed to be charged, by surety or bonding companies for bonds of officers or employees of the United States, I submit a report (No. 1260) and ask that it be printed and that 200 extra copies be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 200 additional copies of Senate Report No. 1260, "Rates for bonding Government employees," be printed for the use of the Senate document room.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and recedes from its disagreement to the amendments of the Senate Nos. 99, 100, 101, and 102.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 24153. An act for the relief of John Marshall;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States; and

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, Executive clerk, announced that the President had, on February 25, 1911, approved and signed the following act and joint resolution:

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah; and

S. J. Res. 132. Joint Resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

GREELEY-ARIZONA IRRIGATION CO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

Mr. BURROWS. I think I must object.

Mr. WARREN (to Mr. BURROWS). Let him get that through.

The VICE PRESIDENT. The Senator from Michigan objects, and the bill will go over.

LANDS OF CERTAIN INDIAN MINORS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 18893) relating to the title of lands inherited by minor heirs of Indian allottees, and sold by order of court, and for other purposes, to report it without amendment, and I ask unanimous consent for its present consideration. It merely clears the title to certain pieces of land in western Oklahoma.

Mr. BURROWS. I call for the regular order.

The VICE PRESIDENT. The Senator from Michigan asks for the regular order, and the bill will go to the calendar.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

Mr. CLARKE of Arkansas. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark., to report it favorably, and I ask unanimous consent for its present consideration.

Mr. BURROWS. I must insist upon the regular order, Mr. President.

The VICE PRESIDENT. Regular order is demanded, and the bill will go to the calendar.

EMPLOYEES ON PANAMA CANAL.

Mr. CLAPP. I offer the resolution which I send to the desk, and I ask to have it referred to the Committee on Education and Labor.

The Secretary read the resolution (S. Res. 375), as follows:

Resolved, That the Committee on Education and Labor be instructed to investigate and make report to the Senate whether or not the circular, No. 315, signed by George E. Goethals, chairman and chief engineer of the construction of the Panama Canal, published in the Canal Record for the month of March, 1910, in its reference to employees who have been discharged from South American railroads, has any application as a prohibition to citizens of the United States applying for employment in Government work on the Isthmus;

And to further inquire whether or not the arrangements and agreements with men employed as locomotive engineers, conductors, steam-shovel engineers, and dredgemen on the Panama Canal, made by the Hon. W. H. Taft, when Secretary of War, in relation to compensation for overtime when overtime work was actually necessary, and for longevity pay, has been violated or broken, and whether or not employees who entered upon such work, in reliance upon the arrangements and agreements made with Secretary Taft have been deprived of the benefits of the arrangements and agreements under which they entered upon such work;

And to further inquire if the provision in the act making the appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, prohibiting any part of the appropriation for the Isthmian Canal being applied to the payment for allowance for longevity service on lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909, is a violation of the understanding, arrangement, and agreement under which the men were employed in constructive and operative work on said canal, and to report whether such prohibition ought to be modified or repealed to effectuate the understanding under which employees entered upon that work.

Mr. BRANDEGEE. Let the resolution go to the Committee on Interoceanic Canals.

Mr. CLAPP. I asked to have it referred to the Committee on Education and Labor.

The VICE PRESIDENT. The Senator from Connecticut asks that it go to the Committee on Interoceanic Canals.

Mr. BRANDEGEE. I think the Committee on Interoceanic Canals would have jurisdiction of the resolution, as far as I was able to hear it when it was reported.

Mr. CLAPP. It goes to the question whether there has been anything not warranted by law with reference to the employment of men. It clearly should go to the Committee on Education and Labor.

Mr. BRANDEGEE. I am satisfied with whatever reference the Chair may direct.

The VICE PRESIDENT. The Chair, unless the Senate directs otherwise, would refer it as the Senator introducing it asked, which was to the Committee on Education and Labor. It is so referred.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a resolution, coming over from a former day, which the Secretary will read.

The Secretary read the resolution (S. Res. 364) submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of the Navy be, and hereby is, directed to transmit to the Senate a report on the following matters:

(1) Copies of any and all orders which may have been issued by the Secretary of the Navy or his subordinates and of all communications received or sent by the Navy Department pertaining to the construction in private shipyards of two battleships for the account of the Argentine Republic.

(2) What, if any, plans of guns, gun mounts, and other appliances pertaining to the armament of battleships the property of the Government of the United States in the custody of the Navy Department have been loaned, transmitted, or communicated to either the representative of the Argentine Republic or to representatives of any shipbuilding company?

(3) What, if any, of such plans cover devices which hitherto through patents or secrecy have been the exclusive property of the United States Government?

(4) What, if any, work has been done in the navy yard at Washington or elsewhere by any officials or employees of the Navy Department, civilians or otherwise, to aid in the construction and armament of the two battleships being built in this country for the Argentine Republic?

(5) If any such plans have been so divulged or if such work has been performed by employees of the Navy Department, by whose authority has such action been taken and such work performed?

Mr. LA FOLLETTE. I offer the amendment I send to the desk, to be inserted on page 1, line 15, after the word "company."

The SECRETARY. In the second paragraph, in line 15, after the word "company," insert:

Were the plans of the new battleships, Nos. 34 and 35, marked "confidential," furnished to the Argentine Republic? Were the plans of our submarine torpedo tubes and the fire-control system furnished to the Bethlehem Steel Co. or to the Argentine Republic for use in the two battleships now under construction in this country for the account of the Argentine Republic? Has the Argentine Republic or the Bethlehem Steel Co. been furnished with the book or specification marked "confidential," or with any appendices to such book?

Mr. LA FOLLETTE. Mr. President, I have no desire to take the time of the Senate this morning in discussing the resolution, if it can be passed by the Senate as I offered it. I ask for a vote on it.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent for the present consideration of the resolution.

Mr. BURROWS. Mr. President, I shall have to call for the regular order.

Mr. LA FOLLETTE. I am unable to hear the Senator from Michigan.

Mr. BURROWS. I say I must demand the regular order at this time. I trust the Senator will be content to have this matter considered later.

Mr. LA FOLLETTE. If the Senator from Michigan will not insist on the regular order I think that no time will be taken in the consideration of the resolution.

Mr. BURROWS. If it takes no time, I have no objection to it.

Mr. BROWN. The resolution is regularly before the Senate, is it not?

Mr. BURROWS. I have no objection to it if it takes no time.

Mr. BROWN. Let it be proceeded with.

Mr. GALLINGER. It is the regular order.

The PRESIDING OFFICER. It is the regular order. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LA FOLLETTE. I ask that Senate resolution 365 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 365, submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to transmit to the Senate copies of any written communications and report upon any verbal communications which may have passed between the State Department and any other department of the Government of the United States, or between the State Department and any department or representative of the Argentine Republic, and any other communications, written or verbal, which may have been issued or received by the State Department pertaining to the construction and armament in this country of two battleships for the Argentine Republic.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. KEAN. That is a very unusual resolution. I do not think there is any precedent anywhere for a resolution of that kind.

Mr. LA FOLLETTE. The occasion for the resolution is very unusual.

Mr. President, I do not wish to take the time of the Senate to discuss the resolution. I ask that it be submitted to a vote.

Mr. GALLINGER. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. GALLINGER. I will suggest to the Senator that he should insert the words "if not incompatible with the public interest." This seems to be dealing with a foreign government.

Mr. LA FOLLETTE. Mr. President, ordinarily I should readily assent to that. When that same suggestion was made the morning I introduced the resolution, the suggestion coming from the Senator from New Jersey at that time, the Senator from New Hampshire at once said that under the circumstances the phraseology of the resolution was exactly right. His long service upon the Committee on Naval Affairs gives special weight to his opinion in the matter. It was my own opinion. It was for that reason that I so framed the resolution, without including the usual qualifying statement.

Mr. GALLINGER. I do not recall the circumstance the Senator alludes to. I do not recollect having made that statement.

Mr. KEAN. It was the Senator from Maine [Mr. HALE].

Mr. GALLINGER. It was the Senator from Maine, I think.

Mr. LA FOLLETTE. It was the Senator from Maine.

Mr. GALLINGER. I think the Senator will see that no harm can come if this phrase is used. It seems to be dealing with a foreign government.

Mr. LA FOLLETTE. It is dealing with a foreign government, and if there is any occasion for requiring a report under the resolution at all it is because department officials have not been considerate of the best interests of the public or of this Government. I do not think that under the circumstances, considering the nature and character of the resolution, anything should be left to the discretion of the departmental officials in this particular case.

Mr. GALLINGER. I move to amend the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire proposes the following amendment.

The SECRETARY. After the word "Senate," in line 2, insert the words "if not incompatible with the public interest."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. LA FOLLETTE. Mr. President, if the departmental officials of either of the departments referred to, the one named in the resolution which was passed and the one named in the

resolution which is pending, have disclosed to any foreign government or the agents of any foreign government any confidential documents or any documents treated or marked as confidential in the Department of the Navy, they have manifestly shown such a want of consideration of the public interest that it should not be left to them to judge whether this resolution calls for information which is incompatible with the public interest.

The ordinary plans of battleships, Mr. President, are not confidential, and there is no reason why they should be; but there are many things in the construction of a battleship which I am credibly informed, and which one can readily see is reasonable, should be treated strictly as confidential and should not be communicated to any shipbuilder unless he is employed upon the construction of some battleship for our own Government—and then only in the strictest confidence.

Now, Mr. President, that is all I care to say upon the matter at this time. I trust the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The ayes appear to have it.

Mr. LA FOLLETTE. I ask for a roll call.

The PRESIDING OFFICER. Does the Senator demand the yeas and nays or a division?

Mr. LA FOLLETTE. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and I withhold my vote.

The roll call was concluded.

Mr. FOSTER. Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not voted.

Mr. FOSTER. I withhold my vote.

The result was announced—yeas 44, nays 28, as follows:

YEAS—44.

Bankhead	Curtis	Kean	Root
Brandegee	Depew	Lodge	Scott
Briggs	Dick	Lorimer	Smith, Mich.
Bulkeley	Dillingham	Nelson	Smoot
Burnham	du Pont	Nixon	Stephenson
Burton	Flint	Oliver	Sutherland
Carter	Frye	Page	Taliaferro
Clark, Wyo.	Gallinger	Penrose	Thornton
Crane	Gamble	Perkins	Warner
Crawford	Guggenheim	Piles	Wetmore
Cullom	Heyburn	Richardson	Young

NAYS—28.

Borah	Culberson	Jones	Shively
Bourne	Cummins	La Follette	Smith, S. C.
Bristow	Davis	Martin	Stone
Brown	Fletcher	Overman	Swanson
Chamberlain	Gore	Owen	Taylor
Clapp	Gronna	Percy	Tillman
Clarke, Ark.	Johnston	Rayner	Watson

NOT VOTING—19.

Aldrich	Burkett	Hale	Simmons
Bacon	Burrows	McCumber	Smith, Md.
Bailey	Dixon	Money	Terrell
Beveridge	Foster	Newlands	Warren
Bradley	Frazier	Paynter	

So Mr. GALLINGER's amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER. The morning business is closed.

Mr. BURROWS obtained the floor.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. BURROWS. I am advised that several Senators are prepared to proceed with the consideration of Senate resolution 315. We have three-quarters of an hour before 2 o'clock, and I ask unanimous consent that the Senate now proceed to the consideration of the unfinished business.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. BURROWS. Certainly.

Mr. CUMMINS. I do not want to appear to be ungracious, but I am very deeply interested in a measure pending now before the Senate, and my people are very deeply interested in it. The only opportunity there seems now to be to consider it is to pursue the regular order. I refer to the tariff commisssion bill. I feel, therefore, that I must object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Michigan.

Mr. BURROWS. I move that the Senate proceed to the consideration of the unfinished business at this time.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of the unfinished business, Senate resolution 315.

Mr. CUMMINS. Mr. President——

Mr. KEAN. The question is not debatable.

The PRESIDING OFFICER. The question is not debatable. Does the Senator from Iowa rise to a parliamentary inquiry?

Mr. CUMMINS. I believe I do.

The PRESIDING OFFICER. The Senator will state it.

Mr. CUMMINS. My parliamentary inquiry is this: Is the motion made by the Senator from Michigan in order at this time?

The PRESIDING OFFICER. In the opinion of the Chair it is.

Mr. CUMMINS. If it is in order at this time, is it not debatable if made before 2 o'clock?

The PRESIDING OFFICER. In the opinion of the Chair it is not.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Dakota?

Mr. BURROWS. For a question.

Mr. KEAN. Let us have the regular order.

Mr. CRAWFORD. If the motion carries, will there be an opportunity to discuss the matter?

The PRESIDING OFFICER. There will be.

Mr. BURROWS. The very object is to open debate on the proposition.

Mr. CRAWFORD. But I was informed that if the motion was carried that we are not even then to have the privilege of discussion.

Mr. KEAN. Let us have the regular order.

The PRESIDING OFFICER. The regular order is being proceeded with, which is the motion of the Senator from Michigan to proceed to the consideration of Senate resolution 315. That motion is neither debatable nor amendable. If the Senate decides to proceed to the consideration of the matter, it is then open for full and free debate.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington rises to a parliamentary inquiry. He will state it.

Mr. JONES. Would it be in order to amend the motion of the Senator from Michigan by substituting another bill?

The PRESIDING OFFICER. It is not in order to amend the motion.

Mr. CUMMINS. Upon the motion of the Senator from Michigan I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. BEVERIDGE. I desire to make a parliamentary inquiry. Can a motion to proceed to the consideration of a matter by the Senate be made before 2 o'clock? I have no objection to this motion, having voted "yea."

Mr. KEAN. The roll having been called, let us have the regular order, Mr. President.

Mr. GALLINGER. That was decided.

The PRESIDING OFFICER. The regular order is demanded.

Mr. FRYE (after having voted in the affirmative). Has the senior Senator from Georgia [Mr. BACON] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. FRYE. I have a general pair with that Senator, and I therefore withdraw my vote.

The result was announced—yeas 66, nays 12, as follows:

YEAS—66.

Bailey	Dick	Martin	Smith, Md.
Bankhead	Dillingham	Nelson	Smith, Mich.
Beveridge	Dixon	Nixon	Smith, S. C.
Bradley	Du Pont	Oliver	Smoot
Brandegee	Fletcher	Overman	Stephenson
Briggs	Flint	Owen	Stone
Bulkeley	Foster	Page	Sutherland
Burkett	Gallinger	Paynter	Swanson
Burnham	Gamble	Penrose	Taliaferro
Burrows	Guggenheim	Percy	Taylor
Carter	Hale	Perkins	Thornton
Clark, Wyo.	Heyburn	Piles	Tillman
Clarke, Ark.	Johnston	Richardson	Warner
Crane	Jones	Root	Watson
Culberson	Kean	Scott	Wetmore
Curtis	Lodge	Shively	
Depew	McCumber	Simmons	

NAYS—12.

Borah	Brown	Clapp	Davis
Bourne	Burton	Crawford	Gore
Bristow	Chamberlain	Cummins	Gronna

NOT VOTING—13.

Aldrich	Frye	Newlands	Young
Bacon	La Follette	Rayner	
Cullom	Lorimer	Terrell	
Frazier	Money	Warren	

So the motion of Mr. BURROWS was agreed to, and the Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. CRAWFORD obtained the floor.

Mr. STONE. Will the Senator from South Dakota yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do.

Mr. STONE. I desire to make an announcement. I desire to say that on Wednesday morning next after the conclusion of the morning business I shall proceed to address the Senate on what is known as the Lorimer resolution.

The PRESIDING OFFICER. The notice will be entered.

Mr. CRAWFORD addressed the Senate. After having spoken for some time,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, in order to avoid any question as to the parliamentary status, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution 315, relative to the election of WILLIAM LORIMER, a Senator from the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Just for a moment. I wish to point out to the Chair at the present moment the unparliamentary status which the Senate has found itself in for the last half hour. We have now been considering for the last half hour, in the morning hour, the unfinished business.

At a later time, not now, I shall call the attention of the Senate to that, because I do not think—I may be wrong—that the motion can be entertained in the morning hour. I am familiar with the rule. The present condition very plainly illustrates that we have been considering the unfinished business under a separate motion for the last 30 minutes. I do not want to take time to do it now, but for the purpose of showing that my inquiry as to that was not vain, I shall lay perhaps two or three authorities before the Senate later on.

The PRESIDING OFFICER. The Chair will state that no point of order was made against the motion when it was made.

Mr. BEVERIDGE. That is true.

The PRESIDING OFFICER. The Senator from Indiana attempted to interpose a point of order at the time the roll was being called and the Chair could not entertain it.

Mr. BEVERIDGE. No; the Chair will permit the Senator from Indiana to suggest a correction; I did not interpose a point of order; I would not have done that; I voted for the motion. I rose to a parliamentary inquiry.

Sometimes in our haste—I have seen it in many matters here in the last 12 years—we overlook the laws which govern our proceedings. The Chair will do the Senator from Indiana the justice to say that he did not rise to a point of order but to a parliamentary inquiry, having voted himself for this very motion, because I did not want to delay the matter, although as a matter of fact I can demonstrate to the satisfaction of the Chair the motion at that time was out of order. But I do not want to take the time of the Senate now.

The PRESIDING OFFICER. The Chair agrees with the Senator from Indiana that he did rise to a parliamentary inquiry and made a suggestion pending the roll call. The Chair did not think it was in order at that time, and directed the Secretary to proceed with the roll call.

Mr. BEVERIDGE. I have no quarrel with the Chair on that point. It is a matter which absolutely is of no concern to me, except I always have stood, even against measures which I myself was pressing, against any infraction of the law of procedure in this body as soon as I had informed myself, after having been here a good many years, what that law was. I sometimes think it is far more important for us to maintain rigidly our regular course of business than it is to expedite matters by a few minutes. I voted for the motion because I am interested in this discussion.

Mr. CRAWFORD resumed his speech. After having spoken for five minutes,

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I hope the Senator will not call for a quorum. I am not willing to be a party to force Senators to hear what I have to say. If they do not want to hear it, let them stay in the cloakroom; it is a matter of absolute indifference to me. I am speaking upon a subject in which I am profoundly interested, Mr. President, and I am not speaking out of malice or with a vindictive spirit, because neither has a place in my heart. I can not understand the man who is vindictive and malicious. I can not understand a man of that character, but I can understand the spirit that takes possession of men when they are aroused by a horrible wrong. I can understand the spirit that makes men throw away all fear when they think there is a real menace facing the welfare of their country; and the Republic, sir, will be wounded, wounded to the heart, cut to the quick, if we treat indifferently the things that are laid upon the record in this testimony. So I do not care whether Senators hear me or not. If they do not want to hear me, let them stay in the cloak rooms, but the American people are interested in what is going on here.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that, when a Senator rises and addresses the Chair, it is the business of the Chair to ask the Senator having the floor whether he yields or not. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I will yield.

Mr. OWEN. Mr. President, I regret very much to interrupt the Senator from South Dakota, but the Senate of the United States is sitting as a jury upon a question affecting the honor and integrity of this body, and I believe that even in the Senate of the United States a jury should not be absent when a case is being argued before the jury. If it is not convenient for the Senate now to be present to hear this argument, I move a recess.

Mr. DAVIS. Mr. President, we have been notified by the Senator from Michigan that the jury has already rendered a verdict in this case.

The PRESIDING OFFICER. The Senator from Arkansas is out of order.

Mr. OWEN. I move a recess until 3 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma stated a hypothetical case as the Chair understood it.

Mr. OWEN. I move a recess until 3 o'clock in the hope that by that time the Senators may find it convenient to attend the session of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate take a recess until 3 o'clock.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum.

Mr. OWEN. I rise to a point of order. Can a call be made now?

The PRESIDING OFFICER. In the opinion of the Chair the Senator has the right to suggest the absence of a quorum at any time. That having been done there is nothing for the Chair to do but to order the Secretary to call the roll.

Mr. BEVERIDGE. That is true.

Mr. OWEN. I believe that is true.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Clapp	Gore	Piles
Borah	Clark, Wyo.	Guggenheim	Richardson
Bourne	Crawford	Johnston	Root
Bradley	Culberson	Jones	Shively
Brandegee	Cullom	Kean	Smith, Md.
Briggs	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Martin	Stephenson
Brown	Davis	Nelson	Stone
Bulkeley	Depew	Nixon	Swanson
Burkett	Dillingham	Oliver	Taylor
Burrows	du Pont	Owen	Tillman
Burton	Fletcher	Page	Warner
Chamberlain	Frye	Percy	Young

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from Oklahoma moves that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. What is the motion?

The PRESIDING OFFICER. The Senator from Oklahoma has moved that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. Does not the roll call disclose the presence of a quorum?

The PRESIDING OFFICER. The Senator from Oklahoma moved that the Senate take a recess until 3 o'clock; whereupon the absence of a quorum was suggested, and the roll call has just developed the presence of a quorum.

Mr. OWEN. I demand the yeas and nays on the motion.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken for some time,

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota has yielded the floor.

Mr. CRAWFORD. I yielded it to the Senator from Georgia.

The VICE PRESIDENT. But does the Senator yield the floor, or does he yield to the Senator from Georgia temporarily?

Mr. CRAWFORD. I do, because I have not concluded my remarks, and he has given notice that he wished to speak—if I can do that.

The VICE PRESIDENT. The Chair will recognize the Senator from Georgia, but the custom of the Senate is not to permit a Senator occupying the floor to yield to another Senator to occupy the floor in debate. But, of course, the Chair will recognize the Senator from Georgia.

Mr. CRAWFORD. Very well; but just a moment. I want that understood. Am I giving up the floor entirely? If it is insisted that I go on or yield the floor entirely, I will go on. I can talk some time yet.

The VICE PRESIDENT. It can be done, if the Senate desires, by unanimous consent, but it is not in accordance with the rules.

Mr. CRAWFORD. All I want to know is that I shall have the opportunity to close my speech.

I want to say here now that I am not making this speech for delay. I am saying what I have to say here in good faith, and I want an opportunity to conclude my remarks. They are not going to be at any undue length, but I want an opportunity to conclude them.

Mr. BACON. I think I can make a statement which will clarify the situation. I gave notice that I would ask to be heard to-day at 2 o'clock, and I did so because the vote is scheduled to be taken to-morrow morning immediately after the reading of the Journal, and there will be no other opportunity. At 2 o'clock, the Senator from South Dakota having the floor, I was perfectly willing and consented for him to proceed until 3 o'clock. I do not suppose there will be any difficulty in the world about the Senator again taking the floor and concluding his speech before the vote is taken.

The VICE PRESIDENT. The Chair does not see how it is possible that the Senator could not be again recognized if he asks for recognition.

Mr. BACON. He will have the right as a Senator at any time to take the floor when there is an opportunity to do it.

The VICE PRESIDENT. And he is recognized by the Chair.

Mr. BACON. Undoubtedly.

The VICE PRESIDENT. But not by right of having the floor all the time.

Mr. BACON. I think the Chair is entirely correct.

Mr. CRAWFORD. Mr. President, some weeks ago I reviewed at some length the testimony in the matter now before the Senate and gave my views with reference to what facts were established by that testimony. I have no desire, having once reviewed the testimony and given my views in regard to it, to detain the Senate for the purpose of further discussion. However, the other day when the sitting Member whose seat is involved in this examination addressed the Senate, a part of his remarks were directed to me and to what I had said. A statement of some length was made by him with reference to the organization of the Legislature of the State of Illinois preceding his election by that legislature to the Senate, in which statement he disclaimed that he personally had anything to do with the organization of that legislative body and charged that the result which followed an attempt to organize the lower house of that legislature was due almost entirely to a very extraordinary course of procedure on the part of the governor of that State. He severely arraigned Gov. Deneen, the governor of the great State of Illinois, now in his second term, for his conduct in undertaking to absolutely, as an outside executive force, organize that body. The explanation of the extraordinary alliance between a few Republicans and Democrats and the election of Mr. Shurtleff as a result was the statement; that it was a sort of uprising against outrageous and officious interference by the governor of that State.

I rose at the time to remark to the sitting Member that Gov. Deneen had no opportunity to answer the charge which was being laid at his door, made, as it was here, long after the testimony had been taken and reported, and made, as it was, in this ex parte fashion by the sitting Member, who was not offering himself here as a witness under oath, who was not here in an attitude that would enable us to accept his statement as testimony and to test it by that cross-examination process which is used for the purpose of eliciting the truth. It was suggested that no interruption should be made in the course of the address of the sitting Member.

I felt then that it was only fair to the governor of the State of Illinois that he be given an opportunity to put into the records of this Senate his answer to this remarkable charge made against him here in this exceedingly dramatic manner. It is with reference to that, more than anything else, Mr. President, that I intend to submit a few remarks to the Senate.

I went to the telegraph office the other day and sent Gov. Deneen a telegram, in which I said to him that Mr. LORIMER charged on the floor that he had undertaken to compel members of the legislature, by threat of removal from office and by the threat to take away from them patronage, to vote against Mr. Shurtleff as a candidate for speaker at the session of the legislature in which Mr. LORIMER was elected; and that that was the reason why the Democrats had made this bipartisan contest in the interest of Mr. Shurtleff, and explained his election as speaker. I also telegraphed him that the statement had been made here that Gov. Deneen could have elected Mr. Hopkins, had he been so disposed; that he had the votes under his control to do it; and that he, Gov. Deneen, had pledged Mr. LORIMER to be a candidate himself and had also been friendly to Mr. LORIMER's candidacy. I am stating not the words of the telegram literally, but I am stating the substance of my communication to him, to which I received a reply addressed to me in language as follows:

> My statement published to-day in the newspapers answers the inquiries of your telegram. Also received telegram from Representative Frank Brady, denying statement of Senator LORIMER regarding threats. I did not favor LORIMER for Senator. Understand that Brady's telegram will be published to-morrow. See my statement published by morning and the one published May 29, 1910.
>
> C. S. DENEEN.

This Mr. Frank Brady was brought into the record by the sitting Member the other day, and Gov. Deneen was brought into the record by him in language which was printed in the newspapers as his speech. That speech has not yet been published in the RECORD, but I heard it, and the statement from which I quote, according to my recollection, is a truthful statement of what the sitting Member said in relation to the organization of the House of Representatives at Springfield. In that speech he used this language:

> Mr. President, anybody who knows aught of the organization of that legislature would not make that statement—

referring to the statement I made in my address to the Senate a few weeks ago.

> The facts are that I was not determined to organize the legislature against Gov. Deneen, and, if I had been so determined, under all the conditions existing at that time, it would have been impossible for me to do so. To organize a legislature with the aid of Democrats and Republicans is a matter that can not be done just by a wish or a thought. It requires constant effort to bring about a combination of that sort under what Senators would have us understand was a well-defined plan in the head of just one man.
>
> It happened, Mr. President, that on the 15th day of September I was stricken with illness—

And he goes on to explain how he had gone to the Pacific coast, how he had come from there to Washington, and how on the very day or the following day after the speaker had been elected at Springfield, he, Mr. LORIMER, went on record in voting for some motion in the House of Representatives. He then explained Shurtleff's election as follows:

> Edward Shurtleff, Mr. LORIMER declared, was elected speaker of the Illinois House of Representatives because of a condition that arose there, and if the same condition arose anywhere else in the country the result would have been the same. The governor of our State was very much opposed to the reelection of Mr. Shurtleff, and he called in a few of the members and told them that they must elect some person speaker other than Edward Shurtleff.
>
> Gov. Deneen told them that he did not care who was elected speaker, but that under no circumstances must any Republican vote for Edward Shurtleff, and, if they did vote for him, he served notice on them not one of them could expect to receive patronage at the hands of his administration.

He went further than that:

> He called in Representative Brady, who had pledged his support to Shurtleff, and he told him that unless he joined with the men that were trying to organize that body under his dictatorship every man who was in the employ of the State on Brady's recommendation would be forthwith dismissed; in other words, the governor of our State undertook to dictate to the general assembly who should be its speaker.

Here he was interrupted by me; and in reply to my protest against his attack upon Gov. Deneen, when the latter could not be heard, he said:

I was in no way connected with the committee which investigated these charges and I have no right to summon Gov. Deneen. During this whole investigation, from the day when I submitted the resolution to make this inquiry last May, no Senator, whether he was a member of the subcommittee or not, will say that I have ever suggested anything to him or made any appeal or in any way at any time tried to influence his judgment as to how he should vote in my case, and so I made no suggestions to the committee as to who should be summoned as a witness. If the Senator from South Dakota is dissatisfied because the governor of our State was not called to refute these statements I am not to blame for it, but it would have been impossible to refute this statement at that time because the cause for making it was not suggested to me until the Senator from South Dakota made it in his speech on this floor just a short time ago.

Then he goes on to say, in reference to Gov. Deneen:

Suppose, Mr. President, that the President of the United States—a President of the United States—I care not who he be, should call in the Senators of his party, tell them who he wanted for President pro tempore of the Senate, tell them how he wanted the Senate committees organized, tell them that unless they did his bidding they could get no patronage under his administration, and tell them that if they failed to do his bidding every last man employed by the Government on their recommendation should be driven from public employment?

Suppose a President could fall so low as to undertake such a feat as that, and that he succeeded in getting into an organization a majority of the Members of this body of his own party to the exclusion of one man and the men who were favorable to him—what do you suppose the Senate would do? What do you suppose party lines would accomplish? It would not take the Senators of this body one moment to make up their minds to cross the party lines and organize the Senate with men whom they thought were fit to hold the different offices in the control of this body.

The men in our State did what any set of sensible, courageous men would do. They organized the body, regardless of the wishes of the executive branch of the government. If the governor of our State had attended to his own business, said nothing to the members of the house, permitted them without coercion to go on and organize that body, Mr. Shurtleff would have been the choice of its members and he would have been elected in the Republican caucus by a unanimous vote.

Mr. President, it seemed to me rather remarkable at the time, and it seems to me yet to be very remarkable, that one of the salient elements, one of the significant occurrences in Springfield which operated powerfully in the shaping up of the situation there that ended in the election of the sitting Member, to wit, the securing of the control of the organization, with all of its patronage, with the influence of its speaker, should not in any way have been the subject of inquiry before the committee, and that the sitting Member in his argument should attempt to destroy its effect as a material fact by making, upon the floor of the Senate, a most sweeping and severe arraignment of the governor of his State, with no possible opportunity either on the part of the governor himself to be heard or on the part of the committee to make investigation of the charges, unless a further continuation of this investigation is had, which all would deplore.

It was remarkable that such a statement should for the first time be made in closing the argument here, placing in that light before the people of this country the governor of a great Commonwealth, a highly respected citizen of Illinois, with a record behind him for achievement, with a record for climbing that ladder which every American boy may climb as long as the stars shine in the heavens above him. It was remarkable that he should be attacked in this manner here, with no opportunity to defend himself and no choice here on the part of a Member of the Senate to do anything except to accept the statement of the sitting Member or refuse to accept it; and so I sent this inquiry to the governor of Illinois.

Mr. President, it is perfectly apparent to any person who has had any experience whatsoever with legislative bodies, with political issues hinging upon the action of a legislature, with the solution of contests between candidates for United States Senatorship before legislative bodies, that one of the most important points in the case for or against a candidate is to be sufficiently fortunate to have the legislative body organized by those who are his friends. It is true in State legislatures, or with most of them, as it is in the National House at Washington, that a tremendous power is wielded by the speaker of the popular house. He names the chairmen of the great committees, the chairman of the committee on corporations, the chairman of the committee on railroads, the chairman of the committee on appropriations, the chairman of the committee on the judiciary, and the membership of each of these great committees, to one or the other of which is referred every important measure that is before the legislature for consideration. Places upon those committees are sought and eagerly sought by members, no matter to which party they belong.

To those who were interested in the election of a United States Senator at Springfield, the control of the organization there was a matter of much concern and the selection of the speaker of the house was a matter of the most extreme importance. Here we have this sweeping charge made upon the floor of the Senate by the sitting Member, so dramatically placing it before this body the other day, that the governor of the great State of Illinois, Gov. Deneen, played the autocrat and attempted to organize the lower branch of the legislature there and to swing a club over the members of that body, threatening that unless they did his will in selecting their presiding officer he would not simply withhold from them, the offending ones, any recognition in the distribution of patronage, but that he went further than that and threatened one of the representatives, Mr. Frank Brady, that he would wreak vengeance upon him by removing from office those who were indebted to him for places.

I say it was a most remarkable thing here, in the closing hours of this debate, after the testimony had been submitted and closed, when there would be no opportunity here to say whether or not these grave and serious charges of usurpation and tyranny lodged upon the floor of the United States Senate by the sitting Member against the governor of a great State for the purpose of placing upon him the responsibility for this most remarkable situation at Springfield for that charge to be made here under such circumstances; not as a witness under oath, subjecting himself to cross-examination, where the facts could be elicited by all the tests that can be applied in such cases, but under the privileges of this floor he made a statement so sweeping, a charge so remarkable, that it seems to me only fair and decent that the governor of the State of Illinois should have an opportunity to reply.

Mr. President, speaking with reference to the governor of Illinois I desire to say that I am not here as a special pleader in his behalf. My acquaintance with him is not at all intimate. I had the pleasure of making a trip with him once on the Mississippi River and on one other occasion of traveling with him from Chicago to Washington. I am somewhat familiar, as we all are, with his career, and it is a career which appeals to us just as the review of some of the incidents in his life given here the other day by the sitting Member appealed to us. Incidents in the career of both are the highest tributes to America and to this great Republic. It is not a matter of regret but it is one of profound gratification in which we all alike rejoice that in this country a boy can come up from the humble position of peddling newspapers and blacking boots, that he can climb the ladder with the stars of hope shining in the sky above him and keep on climbing until he reaches the highest place in the gift of the Nation. Instead of being a subject for pity the opportunities given to vigorous youth of this country, born in humble environment, gives joy rather than sorrow and sadness. I think the most unfortunate youth in the United States is the youth who is born in wealth—who is so unfortunate as to be born in an environment that does not require of him that he make struggles and win triumphs like these which both LORIMER and Deneen have met and won.

I recall that Charles S. Deneen, the governor of the great State of Illinois, is the son of a Methodist minister who rode circuit in Illinois away back in the days when the venerable Senator from that State who sits at my right was a youth. I recall the story—he told me a little of it himself—of Charles S. Deneen, a boy without money and without friends, who went into the great city of Chicago and started his splendid career. I remember his telling me how he made his living in those days by teaching night schools, reading law in the daytime.

As the governor of the great State over which he is presiding with credit, Gov. Deneen should be dealt with by the Senate at least justly. He should at least have an opportunity to be heard when the accusation is laid at his door that he was a usurper and a tyrant who caused a rebellion to arise in the Legislative Assembly of Illinois so strong that party lines were considered as secondary; that because of this rebellion, caused by the power of a tyrant, there was no longer any distinction between Democrats and Republicans, but they organized the legislature as freemen to overthrow a tyrant governor, Charles S. Deneen, the Methodist minister's son, whom the people of Illinois by their suffrage had placed in the position of their chief executive. Let us hear what he says. It is only fair, it is only just, that he have an opportunity to be heard here.

Mr. President, I hold in my hand the statement to which Gov. Deneen referred in his telegram to me. I hold in my hand all that I am able to present here as an answer to this grave charge laid at his door upon the floor of the Senate, with no opportunity for cross-examination, without even the sanctity of an oath having been administered, and with no opportunity upon his part to make answer. I do what I can in justice to the governor of Illinois to give to the Senate the

answer which he makes to this charge of tyranny and usurpation and unjust interference on his part with the Legislature of Illinois to such an extent that it is claimed it caused a rebellion there, which broke down all party lines, so that these free men of the State of Abraham Lincoln could assert themselves. What does the governor say?

SPRINGFIELD, ILL., *February 23, 1911.*

"But what does all this have to do with the charge that Senator LORIMER was elected by the corrupt use of money?"

With these words Gov. Deneen closes a statement made late last night in reply to that portion of Senator LORIMER's speech in the United States Senate wherein the junior Senator attempted further to complicate the issue in his case. Gov. Deneen's statement follows.

The governor refers to this statement in his telegram to me, in which he says:

My statement, published to-day in the newspapers, answers the inquiries of your telegram.

The statement to which Gov. Deneen refers is as follows:

I have only such meager information regarding the speech made by Senator LORIMER to-day as appeared in the afternoon editions of the Springfield papers. I notice, however, that he followed the course which I have often observed is followed by men charged with serious offenses in Cook County when I was State's attorney there, of trying to escape explanation of the facts against him by making charges against men who are not on trial. He has followed the course of Mr. Erbstein, one of the attorneys for Mr. Lee O'Neil Browne, who was recently indicted and tried in the criminal courts of Cook County for jury bribing and who refrained from going on the witness stand to testify under oath, where he could be cross-examined, and, instead, made a speech to the jury, where his statements were not subject to the rules of cross-examination.

Mr. LORIMER in his speech charges—

1. That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

This is the language of the governor of Illinois, made to the American people, and referred to in his telegram received by me when I told him what charges had been made against him on the floor of the Senate—

That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

A denial under these circumstances is entitled to just as much credit as the charge, because the man making the charge is in a desperate situation and does not make it under oath, while the man who answers it is simply stating what is the fact as he knows it.

This is not true—

Says Gov. Deneen—

I never gave my consent to him or anybody else to become a candidate, but, on the contrary, refused to do so and stated to everyone who spoke to me upon the subject that I refused to become a candidate and would not accept the office if elected.

We are told how awful it is to attack a man's character and reputation, and I indorse every word of it. But an attempt is being made to claim that this investigation, instead of being an investigation to ascertain whether there was a valid election, is an investigation to assassinate character.

You can make that charge in every murder trial by saying it is a conspiracy on the part of the State's attorney and the prosecuting witnesses and the sheriff to ruin the character of the poor man put upon his proof. If we are to retreat from the performance of our duty in enforcing law, if we are to refuse to consider charges that go to the very heart of the Republic, charges of bribery in elections, that strike a death wound to the heart of society; if we are to run away from our duty in a case of this character because some one says it is an attempt to assassinate character, we are writing ourselves down as cowards.

Great God, are we to throw aside direct testimony of bribery and the unlawful use of money to corrupt elections and run away because some one says we will injure the good name and reputation of the man who is the recipient of the fruits of the fraud?

Better tear down our courthouses, better burn up our statutes, better abolish the Senate, better let every man do as he pleases rather than be governed by any such motive or by any such appeal as that.

The governer goes on:

2. He charges that Edward Shurtleff—

I call attention to this—

2. He charges that Edward Shurtleff became speaker of the house because I threatened to deprive representatives of patronage should they vote for him, and that I tried to elect one of my friends as speaker. Neither of these charges is true.

Thus answers the governor of Illinois.

"Neither of these charges is true" rings out through the press of the country the next morning after they were uttered here. "Neither of these charges is true," says this son of a Methodist minister, who, in his earlier days, taught a night school in Chicago while fighting for a place at the bar, now an honored citizen and the chief executive of his State.

"Neither of these charges is true." I say his denial is entitled to as much credence here as the charges made by the Senator, who has everything at stake and who makes them at the last moment, with no opportunity for cross-examination; makes them not under oath but through courtesy here. You can not throw aside this statement of the governor of Illinois, whose good name has been attacked here as a tyrant, a usurper, a dictator, that these charges are not true.

I threatened no one with taking patronage from him, nor did I ask any member to vote for any particular person for speaker. I urged the Republicans to go into a Republican caucus and abide by the will of the majority as expressed there; and had Mr. Shurtleff been selected as Republican candidate for speaker in a Republican caucus, any man who would have followed my advice would have supported him.

This is a frank, candid, and open statement of an honest man, a man willing to recognize the right of the majority of his party to rule.

"The same situation arose here last month," says Gov. Deneen. I want to say to the Senator from Georgia [Mr. BACON], whose time I really am trespassing upon, that as soon as I finish making this statement of Gov. Deneen, so that I may have it in the RECORD, while I will not have concluded all I wish to say, I will be glad to yield to the Senator from Georgia. In a way, I am really trespassing on his time.

Mr. BACON. Mr. President, if the Senator will finish within an hour I am willing to have him go on rather than break into his speech.

Mr. CRAWFORD. When will the hour end?

Mr. BACON. At 3 o'clock, say.

Mr. CRAWFORD. I will do the best I can.

Mr. BACON. I am willing the Senator shall go on until then.

Mr. CRAWFORD. Gov. Deneen goes on to say:

The same situation arose here last month at the beginning of the present session of the general assembly. Mr. Shurtleff and his friends again refused to go into the regular Republican caucus. The other 64 Republicans, most of whom were my friends, went into the caucus and there selected Mr. Charles Adkins as the Republican candidate. I urged the Republicans to go into this caucus and abide by its decision, but did not indicate to any Republican any preference for speaker.

Immediately after Mr. Adkins had been chosen for speaker it appeared that Mr. Shurtleff and his friends, who were hostile to me and were opposed to the Republican platform, would be given conspicuous places and would, in fact, dominate the house organization. Notwithstanding this was apparent, every one of the 64 members who went into the caucus voted for Mr. Adkins for speaker because he was the caucus nominee.

3. Senator LORIMER states that I could have elected Mr. Hopkins Senator at any time. In view of the fact that he charges in the same breath that I could not elect a speaker, this statement falls by its own weight and needs no further refutation.

4. He states that Mr. Shurtleff was one of Mr. Hopkins's managers. This will be news in Illinois.

5. He has added to the list of candidates, whom he claimed in his speech of May 28, 1910, that he submitted to me, Mr. GEORGE EDMUND FOSS. My answer made on May 29, the day after Mr. LORIMER'S speech in the Senate, stands now as to Mr. Foss also.

He then goes on as follows, quoting Mr. LORIMER:

I urged him [Deneen] to become a candidate, telling him I believed he would reunite our party, torn asunder by factional strife. The proposal to elect me United States Senator was not by Republican votes alone, but I was assured by him that I would get practically the entire Democratic vote in the house.

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins and would not have voted for me had I become a candidate or for anyone else—

We are told here that they did not intend to observe the popular vote, that none of them intended to follow it; but Gov. Deneen says:

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins, and would not have voted for me had I become a candidate or for anyone else; and the only hope of electing anybody but Senator Hopkins lay in securing a large Democratic support. No Democrat offered me such support; and the assurances of that vote came entirely from Senator LORIMER, who appeared even at that time to have authority to speak for the Democrats in this matter.

I notice that he gives reasons why the Democracy would support him. I have looked in vain in his speech for reasons why they would support me or any other Republican whom he named in his speech to-day, none of whom could have gotten a majority of the Republicans, *because the majority felt bound by the primary vote to vote for Senator Hopkins.*

Mr. President, was I making a radical statement when I said that a few unprincipled men threw to one side, threw to the winds, the verdict which the people had rendered, and sought to circumvent it? Gov. Deneen says:

Because the majority felt bound by the primary vote to vote for Senator Hopkins.

The truth is—

Now, here is a very significant fact, and I call the attention of the Senate to it, because it shows what had been going on long before the legislature met. Here is what Gov. Deneen says:

The truth is the bipartisan coalition which reached its climax in the election of Senator LORIMER was formed in the general assembly

which preceded his election for the purpose of defeating me. To injure me it made a spurious investigation of our State institutions; it made corrupt alliances with certain interests that could not use me to secure my defeat in the primaries and got a very influential wing of the Democratic Party to unite with it in this effort. It was the understanding then that if the effort to defeat me at the primaries failed the Republican members of the bipartisan coalition would in turn join with the Democrats to defeat me at the polls, a program which was followed to the letter.

Gov. Deneen was hounded as perhaps no one in the history of the country was hounded, not by Democrats, but by members of his own party, belonging to the Lorimer and Yates factions, who came within a few thousand votes of defeating him, and then started factional committees out over the State to examine the institutions for partisan purposes—for factional partisan purposes. The governor tells us about it. He says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent, also, that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

Mr. President, I said in my speech that the election of that speaker was the first step in a corrupt program and that the selection of Lee O'Neil Browne as minority leader was the second step in a corrupt program, and that a union of forces between the men who had been heretofore handling the jack pot with the men who wanted to elect a Senator was the third step in a corrupt program; and I do not back a hair's breadth from that statement, because the facts justify it.

Talk about this happening while the sitting Member was over here in the House of Representatives! The sitting Member did not have to be in Springfield, for he had been carrying on a campaign all summer and all fall before the November election; he had his forces well in hand; and they were at Springfield. I did not say he was there at that time. I said the Lorimer Republicans went into this combination with the Democrats and elected Shurtleff speaker against Hopkins and against Gov. Deneen; and I do not back from it a hair's breadth, because it is a fact, and the record proves it. Gov. Deneen says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent also that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State. Finally, the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

This is a fine situation, indeed, a plot not only to go in with the opposing party, select a speaker, and secure control of the patronage of the lower branch of the legislature against a Republican governor, but to also put up a job on that governor by a daring attempt to remove him from office and to thereby secure control of the State. The election of the speaker was the first step in this program, which I denounced as a corrupt program conducted by unprincipled men, and which I said ripened into bitter fruit afterwards; and so it did. Gov. Deneen continues:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State.

God save us from this kind of politics! God knows, in His wisdom, that the only way His people can rule is to take power out of the hands of such an outfit as this. You ask why these popular uprisings; you ask why there is agitation for the initiative and referendum. It is because the people are distrustful of such legislatures as this. I do not believe in the extremities to which they go in some of the States, but I submit that it is the natural result of a situation like this in Chicago, under the rule of "Hinky Dink" and "Bathhouse John;" it is the natural rebellion against such conditions in Tammany and in other great cities. You are surprised because the people, who, in their heart of hearts, believe in their God and in their fellow men, hug the belief that there ought to be something pure and wholesome in our political life, are shocked when they learn of such conditions as these at Springfield.

Ah, it will not do to harden the heart and turn the back to all this or to put it aside lightly, or to say, as some have stated to me in letters, "they all do it." "You make a great fuss over it, but it is done everywhere." Great God, is that to become the common belief of our people? Mr. President, we ought to stop and take an invoice here; to think seriously; not dismiss an important proceeding, an inquiry like this, because of a fear that it will injure the reputation of one man. Why, that man is a mere incident here. I can love him in my heart and desire to help him, but I will never, so long as I have a voice and a breath in my body, stand for a fraud like that established in this case—never. It can not be dismissed as worthy of only a passing thought. I can not conceive how men can look at a situation like this in that way.

"Oh," they say, "we are making these appeals to the galleries here because we think it popular." What a sordid and suspicious view that is of a situation like this. Mr. President, there are people all over this country living in homes, where the old family Bible lies on the center table; where the New Testament is read to the children in the morning, and where every day prayer goes up to Almighty God for the preservation of the Government. From such homes come the recruits that take the leadership in the great responsibilities of our national life, the recruits that guide the destinies of the Nation and enable it to continue in its course. They come from those homes; they become your railway presidents, your great bank presidents, your great engineers. The men and women in these homes have a profound interest in this case. What do you suppose their opinion is of this sort of thing? Mr. President, if an invader was endeavoring to land on either shore of this Republic with the purpose to destroy the Government and these institutions, there is not a man in this Senate but would be on his feet, and the old song, "My country 'tis of thee," would take possession of his heart; the tears would run down his cheeks; he would be willing to sacrifice everything he had on earth to save his country; yet with apparent indifference we look upon a poison canker in our political life where men are selling their votes, where men are getting into office through the use of money, where, in places like Springfield, legislation is being sold, and where men confess that they received money to cast their votes for a Member of this Senate, and it is easier to dismiss it as not worthy of our concern. It is easier to dispose of it all by dismissing this great mass of testimony so strong and so convincing by believing that it is false.

It is easier to prefer simply to fold our righteous robes about us and to hug the delusion that we are not required to look upon rottenness like that; to turn our backs to it; and to believe that it does not exist at all. There is no one so blind as he who will not see. Gov. Deneen says:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes upon trumped-up general charges affecting every county in the State. Finally the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

It was after this that I was offered the nomination for the senatorship by men who had waged this unrelenting warfare against me for so long a time. Manifestly, the only purpose of such a proposal from such a source was to get me out of the governorship, where I stood in the way of their plans, and leave to this bipartisan combination the reuniting of the Republican Party, torn asunder by factional strife. What interest the 53 Democrats who voted for Senator LORIMER had in the reconciliation of Republican factions, torn asunder by factional strife, doth not yet appear.

But what does all this have to do with the charges or the evidence that Mr. LORIMER was elected by corrupt use of money?

Now, Mr. President, I want to call attention to another very significant fact, which is that the wonderfully dramatic and appealing statement made here the other day was an avoidance. I will not say a "confession and avoidance," but an avoidance, because it did not deal with a single one of the concrete facts established in the record in this case. It was a very appealing story about selling newspapers and meeting Hinky Dink and getting a job for the man whose wife was sick; but the sitting Member, when he got through with that whole story, only made the claim that he had accounted for 34 Democratic votes, and he said those 34 friends of his got the rest of them for him.

They got the rest, but how did they get them? He says John Broderick was one of those friends. Well, we know how John got one of them, and the sitting Member did not deny that John got it in that way. He simply undertook to explain how he got 34 votes, but there were 19 more, and how did he get them?

I am not going to review all the testimony. The Senate would not hear me if I should do so, even though I did it ever so well; they are tired of this case and all that, but, Mr. President, it remains, and it will remain in this record forever, that Charles White left O'Fallon, Ill., on one day and went to Chicago. He met Lee O'Neil Browne there and came back home the next day. He went to the cashier of a department store and gave him an envelope with $800 in it, and wrote his name on that envelope, and the cashier of the store put it in his vault and kept it over night for him. It is in that record, and it will remain there forever, that the next morning White went down to his office and called his stenographer, Miss Van-

deveer, and there they made a list of his debts and his debtors, and he called them in and paid off their debts; that he took their receipted bills, and those receipted bills are in the record.

It is in that testimony, and it will remain there forever, that the man who had been in business with White at O'Fallon, Ill.—John W. Dennis, who gave his testimony—knew of White going to Chicago, saw him when he returned, knew that he did not have a dollar before he went, and saw $200 on his table in his office when he got back. Mr. Lee O'Neil Browne admits that he met White in Chicago in the Briggs House at this very time. Everybody admits that White was a spendthrift, a gambler, a drunkard, and that he had drawn his salary in Springfield in February and speedily spent it, and this was in June. What is one to do with testimony of that kind? Oh, the self-righteous may refuse to look at it. They may wrap their cloaks about them and turn their backs to it, and say, "We prefer not to see it, though we know it is there, because to believe it would be a reflection upon some man's character." There is none so blind as he who will not see.

Beckemeyer says he went over to St. Louis on one trip, that he met Browne there, that he got $1,000, and that he went over there on another trip and met Robert E. Wilson and got $900. Did he act like an honest man? He says he took that money and put $500, as I recall, in the Commercial Trust Company Bank; and the man who went with him to identify him went on the stand and said he saw Beckemeyer do this. Then, what did he do with the rest? He did not want to be caught with it on his person. He did not deposit it in his home bank, but took it over to a bank in another town, deposited it there, and then drew a few bills at a time. He would have the big bills exchanged into little bills and put the little bills into his pocket, spending that money for expenses a little at a time, and when that was gone, he would go back and get some more large bills, have them changed, and spend the money in the same way.

How natural and consistent that is with guilt and how utterly inconsistent it is with innocence; yet men do not want to believe it. They simply turn their backs upon it and say, "We refuse to believe it because it is an unpleasant thing to do; it will involve a Senator; it may put him out; it may involve him during all his future life in disgrace; and therefore we do not want to believe it and we will not believe it;" men may be found who will shut their eyes against the plain truth and refuse to believe it. There is none so blind as he who will not see.

Mr. Holstlaw comes up from a town in southern Illinois and goes to the west side of Chicago and into a saloon that he had never been to before in all his life. The man whom he visited there takes him into his office and pays him $2,500. He goes over to the State Bank of Chicago, deposits it there in the regular course of business, and a deposit slip is made in the usual course of business. The man who saw him come in, who looked upon him when he came, who took the money out of his hand, and who placed it to his credit or to the credit of his bank at Iuka, goes on the witness stand and says, "This is the man. On such a day this is the man who came into my bank; I saw him myself; I accepted this money from him; I put it in my bank; and here is the deposit slip. It was made out in the regular course of business at the time."

But, "Oh," they say, "we do not believe it, because we prefer to think that there is something irregular about the deposit slip, because we prefer to think that it might have been a manufactured and forged deposit slip."

The cashier of that bank goes on the stand and says:

I saw this man come into the bank; I took this money from him; I placed it to the credit of his bank at Iuka.

Not one cross-question is put to him that impugns his good faith; not one inconsistent statement is wrung out of him; but men say he committed a perjury, and men say that because Gov. Deneen, of Illinois, was a stockholder in that bank, the great governor of a great sovereign State being a stockholder, a bank in Chicago that received $2,500 from Mr. Holstlaw is to be put under suspicion for having been guilty of a direct forgery in connection with a deposit slip. Ah, you can not get away from the probative force of this testimony by that.

John Broderick lived in a certain ward in Chicago. He was a friend of Mr. LORIMER; he got many votes for Mr. LORIMER in another ward, and he had been Mr. LORIMER'S friend for years. It is this friend, John Broderick, who had the deal with Holstlaw, and it is this man Holstlaw who comes in with a statement that he was in a corrupt furniture deal in the legislature, a statement which he put in writing; but it is said that that should all be swept aside because the State's attorneys in Chicago and in Springfield insisted on finding out the truth. Would you ever have convicted the Sugar Trust if you had not jerked a man out of the penitentiary, pardoned him, and had him turn State's evidence to get the truth? What are you going to do with violators of law in this day when money is ruling? The Sugar Trust and others are violating the law, and they control the machinery of the law, if possible, and if you attempt to get the men who are accomplices with them and get the truth out of them you will be guilty of violating the rules of law and order, and it is "the third degree." Men who cry the loudest about "the third degree" are the men who do not want crimes to be uncovered. The men who cry out the loudest always against peace officers and prosecutors are the men who want the man who is on trial to escape.

I will yield now to the Senator from Georgia [Mr. BACON]. I have not entirely concluded my remarks, but the Senator had announced that he was going to speak at this time, and I yield the floor to him.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. The conclusion which has been reached is just exactly in the line of the course and precedents in the Senate. The Chair undoubtedly is right. No Senator can yield to another Senator to go on and make a speech and keep the floor.

Mr. BEVERIDGE. Certainly not.

Mr. HALE. And when a Senator has done that there never has been an instance in my experience in the Senate when a Senator, either from fatigue or for any other reason, has yielded the floor that he was not afterwards recognized by the Chair, and proceeded——

Mr. BEVERIDGE. Of course.

Mr. HALE. As a matter of course.

Mr. BACON. I think I substantially said the same thing. The Senator from South Dakota will have to be recognized de novo, if he is recognized.

The VICE PRESIDENT. Certainly.

Mr. HALE. The Senator from Georgia is speaking in his own time.

Mr. BACON. It is a little embarrassing for me to do the same thing now, but the Senator from Maryland [Mr. RAYNER] has asked me to give him a few minutes for the purpose of presenting some views upon the same subject as that upon which I am to address the Senate, and I therefore yield the floor and trust to my opportunity to regain it afterwards.

Mr. STONE. Mr. President, I wish simply to make——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. RAYNER. Certainly.

Mr. STONE. I gave notice this morning that on Wednesday I would address the Senate on the Lorimer resolution, so called. I find that a vote on the constitutional amendment for the direct election of Senators is set to be taken immediately after the reading of the Journal to-morrow morning. I should like to modify the notice I gave to-day and say that if I can do so I will proceed with what I have to say on the election case immediately after the vote is taken on the constitutional amendment to-morrow morning.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RAYNER. Mr. President, I ask the attention of the Senate just for a few moments to give the reasons why I shall vote for the joint resolution submitting to the legislatures the question of the popular election of Senators with the Sutherland amendment in it. I will not take long. I promised the Senator from Georgia I would not take over seven or eight minutes. I will ask Senators kindly not to interrupt me.

Mr. President, I would rather not have the Sutherland amendment, and opposed it with all my strength. It is now a part of the resolution; and the question with me is, Shall I vote for this resolution or against it with this amendment in it? I have reached the conclusion to support the resolution with the amendment. In the several arguments that I have addressed to the Senate upon the Sutherland amendment I stated that I had not arrived at any conclusion as to whether I would support the resolution with the amendment incorporated in it. I also took good care to state that I objected to the amendment principally upon the ground that I did not consider it necessary, believing, as I still do, that Federal laws could be enacted by Congress to prevent violence, intimidation, or corruption at the polls without the Sutherland amendment as well as they could with it.

I am so strongly in favor of the election of Senators by the people that I can not possibly turn the proposition down because it contains a provision that might probably give rise to trouble in the future. We will be prepared to meet the trouble if it should ever come. Public opinion would not tolerate the passage of any measure similar to the force bill. I think that is a dead issue, buried beyond the chance of political resurrection. Nor can I by my own vote delay this great question until the next Congress. The vote may delay it, but I shall not and can not participate in that plan. I want to expedite it with all my might and strength. I have fought for this proposition for the greater part of my public career and believe in it with all my heart. I consider that it will be the greatest political reform accomplished by the present generation.

The proposition that the people are incapable of selecting Senators seems to me too absurd for consideration. I have not a lingering fear of the incapacity of the people in this regard. I would rather trust the people than trust the legislature. Intelligence rules the day. If the people select an incompetent Representative, then it is the people's fault, and it is not for us to criticize them.

The people want this change and they will have it. It is not the clamor of the mob; it is not the impulse of agitation; it is the deliberate and matured thought of the American people that the change shall come. Between the people and the legislature I prefer the people, and I would not want to hold my place here for a moment if I thought the popular sentiment of my State was against me. Legislatures are one thing, the people are another. Legislatures are sometimes controlled by political managers, and the people at this hour are in the humor of breaking the bonds of political despotism. The day of tyranny is over in this Republic, and the rising generation is no longer being driven to the polls like cattle to the shambles, but is marching in unbroken phalanx with free ballots and ballots that are not for sale. From the ranks of labor and from our colleges and universities they come. They understand this question and demand that it shall be submitted to the legislatures of the States. They will not tolerate the suggestion that has been advanced here that they are too ignorant to decide it.

From whence comes this suggestion that the people can not perform the function of selecting Senators? I have hardly ever heard of it outside of this Senate Chamber. I am satisfied that this body contains a membership better equipped in point of character and ability to perform the important duties assigned to them than any other parliamentary assemblage in the world. But, on the other hand, I do not believe we will deteriorate if the people are allowed to make the selection.

I recognize the fact that this is a representative government, but great changes have taken place since the adoption of the Constitution, and the greatest of all changes apparent now on the surface to the casual observer is that there should be a closer relationship between the people and their public servants.

If the people have not the intelligence or the capacity to select their Representatives, then we had better submit a constitutional amendment to change our form of government from a republic to a monarchy. If the people must have political slave masters let us invest them with royal power and hereditary prerogative. If the people are wanting in the qualifications requisite to select Senators, then, in my judgment, the Republic is a failure. Who says that they can not be trusted? We say so. Who has authorized us to say so? We are not the masters; we are the servants of the people; and if the States demand that this question should be submitted to them, in my judgment we had better no longer trifle with their appeal.

I am not influenced by passion or feeling, but my mind has kept pace, solemnly kept pace, with this mighty problem, and we can not prevent its consummation. We may impede it, we may delay it, we may throw obstacles in its path, we may obstruct it, but the day of reckoning and accountability will come.

I shall therefore support this resolution for two reasons: First, because I believe in it; and, second, because I know that the people want it. Either reason would be sufficient for me. Some Senator, speaking in opposition to this resolution and substantially repeating what another great Senator years ago had said before who spoke in the same vein, observed that if we pass it we will wreck the Constitution and founder the ship of state.

Mr. President, the Constitution is subject to amendment. Fifteen amendments have been made to it, and I venture to say that no amendment that ever will be made to it will impair the spirit of the instrument. So far as the ship of state is concerned, it will weather the gale that has practically spent itself in this Chamber. It may be necessary to change pilots, it may be necessary to jettison a part of the cargo, the shores may be strewn with stranded hulks, but armed and equipped with the manhood and the courage and the honor of the Nation, Mr. President, the ship of state is safe. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

Mr. BACON. Mr. President, I do not propose to address myself to the general subject as to whether or not this change should be made in the fundamental law, to wit, the change from an election of Senators by the legislature to an election by the people. That I consider to be an issue which has been thoroughly discussed in the Senate. I have announced my position in regard to it. But I shall address myself exclusively to the question whether it is safe to adopt the joint resolution with the Sutherland amendment upon it as it has been engrafted upon it by the action of the Senate.

The resolution, Mr. President, as it came from the Committee on the Judiciary proposed to amend the present provision in the Constitution so that in reference to the election of Senators it would read as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The remaining portion of the resolution recommended by the Judiciary Committee it is unnecessary to now read, as there is no issue or contention in regard thereto.

That joint resolution, as it thus came from the Committee on the Judiciary, I favored, and would still vote for the joint resolution if it were presented to us for action in those words. By the adoption by the Senate of the Sutherland amendment, however, the additional words have been practically added, so that that clause, as amended, reads this way:

> The times, places, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof, but Congress may at any time by law make or alter such regulations except as to the place of the choosing of Senators.

It is true that the latter part of the resolution as amended is found in another part of the Constitution. But that is the effect of the amendment, and the amended resolution is the same as if it read just as I have recited it to the Senate.

In that shape I am not in favor of it, and I can not vote for it, because I do not believe that it is safe to the country at large and my section in particular. I do not believe that it is either wise, just, or safe that the manner of choosing Senators by direct vote by the people should be regulated and controlled by the Federal Government, and it is upon that proposition that I ask the consideration of the Senate.

I begin by saying that, of course, it is recognized that that language is the language used by the Constitution as it now stands in regard to the election of Representatives, and that under the proposed change all the powers that the Federal Government has in the control of the election of Representatives will be powers which can be exercised in the control of the election of Senators by the direct vote of the people.

At a later time in my argument I am going to discuss the question whether this is no change in the law or whether in the retention of the present language of the Constitution and making it applicable to the changed conditions it is in effect a great change; and I think I will be able to show that it is a most radical change. The words as now found in the Constitution are applicable to an entirely different condition of affairs. In the one case the words are applicable to an election of Representatives by the people and the control of their manner of election in all of its details by the Federal Government. In the other case, as it now stands, although the same words are used, it is a matter which relates simply to the question of an election of Senators by the legislature now practically under the exclusive control of the State. It is an entirely different thing when the same words are made applicable to the control by the Federal Government of all the details of election of Senators by direct vote of the people.

Mr. President, the first thing that I think it is well for us to advert to and to recognize is this: That the language proposed to be applied in this case by the Sutherland amendment in the use of the words "manner of holding elections" is an unlimited expression.

So far as the time of holding Senatorial elections is concerned, I have no objection whatever to that. I am perfectly willing that the Federal Government should have, as it has in the case of the appointment of electors for President, the right to prescribe the time for the election. I would have no objection to the Sutherland amendment so far as it relates to the

question of time. But when it comes to the question of the manner of holding elections I repeat that it must be recognized that that is an expression without limitation; that it includes everything which relates to the details of holding that election. It includes everything in connection with the election except the question of the qualifications of the elector. The qualifications of the elector, of course, can not be affected by the power being vested in the Federal Government to control the manner of election, because in another portion of the Constitution it is prescribed that the elector shall be the one who is authorized to vote for a member of the most numerous branch of the State legislature. That is not affected by this Sutherland amendment. But it does affect everything which relates to the ascertainment of who is comprised within that definition. It does relate to the decision as to whether he is or is not one who, under the law, is qualified to vote for a member of the most numerous branch of the legislature. It does give the power to determine in this way who shall vote and who shall not vote.

Let us advert a little to the details. What are the details of the manner of an election? We have two ways in which we can judge of that. First by our general view as to what the words mean, and second by the accepted view of what the words mean as found in statutes which have heretofore been enacted under that provision in the Constitution for the purpose of exercising the power and practically of determining what is meant by "the manner."

That has been repeatedly done, and attempted to be done at other times, by the enactment of laws prescribing "the manner" in which Representatives should be elected. So that we have the general interpretation, from our knowledge of the meaning of the term and from the accepted interpretation as exercised by Congress in the enactment of laws.

Mr. President, the manner will include various things which have been adverted to here in the course of the debate, the first of which may be mentioned as the power to appoint registrars. The power is fully recognized in decisions of the Supreme Court, in which they say that Congress has a right to appoint registrars of election under this particular provision of the Constitution, the meaning of which I am attempting to discuss. The court has decided that Congress would have the right to appoint registrars under the power to prescribe the manner of holding elections, and they could have gone still further and decided that Congress would have the right to enact a law of registration.

If it is true that the entire subject is within the control of Congress, Congress has not simply the right to appoint registrars, but it has the right to enact a registration law. It has the right not simply to appoint officers who shall supervise the registration, but it has the right to appoint Federal officers who shall determine who had the right of registration in the first instance and to preside over the act of enrolling those entitled to vote, and in that way, having the right to determine at each poll and precinct who has the right to be registered and who has not the right to be registered.

Taking this somewhat a little in detail, I wish to call attention to the immense power that the power to appoint registrars and to pass an act of registration would give to the Federal Government in the control of elections. Again, saying that the Government would have no right to determine what should be the qualifications of a voter, it would be within the power of the Government to clothe the registrars with such power that they would in the exercise of a very wide discretion have almost unlimited control of the question who should go upon the registration lists or who should be excluded from the registration lists. The State might prescribe the qualification of those entitled to vote, but the Federal registrars, in the exercise of their power and their discretion, may utterly defeat the purpose and design of the State and order the registration of persons whom it was the intention of the State to exclude from the ballot box.

I want to make an illustration of that from the law in my own State. Under the law Georgia, with Federal registrars clothed with power to decide who should be registered and who should not be registered, with Federal registrars of a strong political bias, as they certainly would be under political appointment, there is scarcely a man of any degree of intelligence in the State of Georgia who could not, under the law of Georgia, be put upon the registration lists, although it is the design of the State law to exclude unworthy and incompetent men from the voting lists.

We have a very liberal law in Georgia, Mr. President. It is true it contains what is generally known as the grandfather clause, but it is not limited to that by any means. I can not read the entire law, but I will insert enough of it to make it plain what the qualifications are which illustrate the statement I make as to the power these Federal registrars would have in determining who should be permitted to register as voters. This was adopted as an amendment to our constitution in 1907. Paragraph 4 of the law is in these words:

Par. 4. Every male citizen of this State shall be entitled to register as an elector and to vote in all elections of said State who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section, or who will possess them at the date of the election occurring next after his registration, and who, in addition thereto, comes within either of the classes provided for in the five following subdivisions of this paragraph.

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any war with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or

3. All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government; or

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States, or of this State, and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely, because of physical disability, are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States, or of this State, that may be read to them by any one of the registrars; or

5. Any person who is the owner in good faith, in his own right, of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith, in his own right, of property situated in this State, and assessed for taxation at the value of $500.

Mr. President, I have read all this, but the particular paragraph to which I call attention is the third, containing the qualification——

All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government.

I repeat the proposition, that with a vast horde of illiterates in the State and a people unacquainted with the duties of citizenship, with a vast horde of those whom it is dangerous to intrust with the ballot, with the vast multitude of people whom every consideration of good government and good, orderly society would suggest should not be those who were to control in political affairs, it would be perfectly competent under this liberal constitutional provision of the State of Georgia for any set of Federal registrars, who might be controlled by political passion and political bias, in the wide discretion which would be theirs under that provision to register almost every negro and every white man undesirable in his character, and permit him to exercise the elective franchise.

Therefore, I say, Mr. President, without dwelling upon it at length, but putting that simply by way of illustration, it is an extremely dangerous power to confer upon the Federal Government under conditions such as exist in a large part of the country; that it is dangerous to confer upon the Federal Government the power to appoint registrars. It would be still more dangerous to empower the Federal Government to make registration laws in a State; and the power to control and prescribe the manner of holding elections would include the power to pass a Federal registration law to direct and control the registration of voters in a State.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him for just a minute?

Mr. BACON. I will yield for a question. I want to say to the Senator I wish to cover a good deal of ground and it will be very difficult for me to do so unless I am permitted to present my argument with some degree of continuity.

Mr. NELSON. I wanted to propound just one question.

Mr. BACON. I would very much prefer if the Senator would wait, but I will hear him now.

Mr. NELSON. The only question I wanted to propound to the Senator was simply this: Whether the Federal registration board, if it were established, would not be bound by the laws of Georgia in respect to the qualifications of voters?

Mr. BACON. Undoubtedly. I have said that before, and I have read what the qualification was as prescribed in Georgia. I have shown that it was a qualification extremely broad, one in which the registrars would have almost unlimited discretion in their decision. The point I was making was that with that unlimited discretion, with that broad provision in the constitution, with registrars who are influenced by political bias as they doubtless would be appointed by partisan political Federal officials under a statute prompted by political consideration and to advance political ends, it would be in their power to register almost every man in the State, and it would only be the penitentiary convict who would probably be excluded.

I have no doubt the same thing is true as to provisions in other State constitutions, and I am going to have something to say before I get through, if I do not weary the Senate, as to the conditions in other States different from those which afflict us,

which may give them some little pause as to whether it is a safe thing that the States shall be deprived of their right to determine not simply the technical qualification of electors, but the practical question of who shall vote, and whether the Federal Government shall assert and exercise the power to practically control the question as to who shall go to the ballot box in those States.

I recognize, Mr. President, the fact that that is the existing law as to Representatives, and I shall not omit before I get through to give reasons, satisfactory to myself at least, why, if it is a law as to Representatives, it should not be extended so as to include the election of Senators. But it does not apply simply in reference to registrars and the enactment of a registration law. It goes further. It includes the right to appoint supervisors; and how are they appointed? I can only call attention to the law as it existed upon the statute books for 23 years. They are under that law appointed in a city of 20,000 inhabitants upon the suggestion or complaint of any two citizens of that vast number of people; and in a whole congressional district any 10 men, regardless of who they are, could go before a judge of the Federal court and upon their simple statement that they thought there was need for these supervisors by reason of anticipations of difficulty which they apprehended, it was the duty of the judge to open the court and to immediately appoint supervisors of election with powers which I have not the time here to enumerate. The powers of these supervisors prescribed in the law occupied pages in the statute books—powers conferred on Federal officers alien to the people, political partisans, doubtless, in most cases, with power to control those elections at every poll and every precinct in every particular, to stand there as the watchers, the supervisors, the controllers, the directors of how that election shall be proceeded with and what shall be done and what shall not be done. I wish I had time to enumerate all the powers of these supervisors. Connected with the powers of supervisors is the provision that marshals and deputy marshals in a number sufficient to man every polling place shall be there with each one of these supervisors, with these judges of election, to carry out their orders, to maintain their authority; and further than that, Mr. President, on their own motion to arrest anyone whom they think to be in any manner opposing the authority of those supervisors and those judges or in any manner interfering with the election, the good order or the progress of it, in all matters with a discretion absolutely unbounded, to arrest any man they saw fit without a warrant, to take him to a commissioner and have him committed for trial or go to jail in the absence of bond.

Then, Mr. President, in those election laws there was a chief supervisor, one of the district, or of any designated area of territory, whose duty it was to receive all these complaints, and in the case of the election of Representatives to gather up all the testimony he could find against the validity of the election and to submit and send it to the Clerk of the House of Representatives to be used there in the contest which would arise out of it; and with penal provisions, section after section, prescribing that if a citizen at that election did this thing or that thing or the other thing he should be liable for trial before a Federal court with heavy penalty and fine and imprisonment.

Mr. President, to anyone who is familiar with the manner in which elections are conducted in this country there was under that law the most unbounded opportunity, not only for cruelty and oppression but for the tyrannical domination of the people and the arbitrary control of them in the exercise of the elective franchise.

Mr. President, not only so, but the power under the expression "manner of election" is not confined to a registration law; it is not confined to registrars; it is not confined to supervisors; it is not confined to deputy marshals, but goes further and gives the power to provide that the Army of the United States shall be at those polls, for the purpose of upholding the authority of the supervisors and judges of election, and of the marshals where the marshals' authority of itself was not sufficient; and for more than 20 years it was upon the statute book that the Army of the United States could be called upon to go to the polls for the purpose of preserving the peace.

The power exists now to pass such laws as to Representatives. If we adopt this joint resolution as it has been amended by the Sutherland amendment the power will exist in Congress, in the case of the election of Senators by the people, to appoint these Federal registrars, supervisors, and judges of election, with their authority supported by marshals and deputy marshals and, if need be, the soldiers of the Army.

Not only so, Mr. President, but in the case of Senators there can also be in the law a provision for a returning board under the words "manner of election," not only power to supervise the election, but certainly the power also to determine the result of the election. When under that law a Senator claiming an election comes to this body he will bring with him, not the certificate of the governor of his State but the certificate of an officer appointed by a judge of the Federal court, probably an officer not a citizen of the State, that such and such a man was elected as a Senator from the State of Florida or from the State of Maryland. The Senator from Maryland [Mr. RAYNER] shakes his head, but good lawyer as he is he can not show to the contrary. I am not surprised that the statement I have made is disturbing to anyone who considers it.

Mr. RAYNER. Mr. President, I do not want to interrupt the Senator, but I do not think any registration board, any certification board, any marshal, or supervisor can change the suffrage laws of my State.

Mr. BACON. Oh, who said they could?

Mr. RAYNER. You can not do anything contrary to the laws of my State. If I thought that I would not vote for it.

Mr. BACON. I am not now talking about the laws of Maryland in fixing the qualifications of voters. I am not talking about the laws of any other State in regard to such qualifications. I am recognizing that each State has a right to prescribe the qualifications of its voters. I do not dispute that. That is undoubtedly so. But the point I am making is that with the power to create a registration law, to create registrars, to create supervisors, authorize marshals at the polls, to authorize soldiers to support those supervisors and those marshals at the polls, and for a returning board to say who has been elected; I care not what the law of the State is as to the qualifications, these supervisors, these judges of the elections, these returning boards become the judges of it, and it can be perverted by them and the will of the people defeated by permitting persons to vote whom the law intends to exclude.

Mr. RAYNER. May I ask the Senator a question?

Mr. BACON. Yes.

Mr. RAYNER. Can not all that be done under the fifteenth amendment?

Mr. BACON. No; by no means.

Mr. RAYNER. Just one minute; I have not finished my question. Does not the fifteenth amendment provide, and if it did not it would be the same thing, that we may pass every law necessary to carry out the terms of that amendment?

Mr. BACON. I am not going to discuss, certainly not in detail, the question as to what can be done under the fifteenth amendment. I am going to discuss what can be done under the Sutherland amendment, which could not be done even under the fifteenth amendment without the Sutherland amendment. I submit it as a proposition so manifest that it is almost difficult to discuss it, that under the fifteenth amendment the Federal Government would have no right to pass a registration law, under the fifteenth amendment the Federal Government would have no right to pass a law appointing supervisors, under the fifteenth amendment the Federal Government would have no right to pass a law creating a returning board to certify who was elected and who was not elected. I am not going into the wide field, Mr. President, as to what we may do under the fifteenth amendment. I am only going into it so as to show what we could not do under the fifteenth amendment in the absence of the Sutherland amendment.

Of course we are beating the air if we are limiting ourselves simply to the question as to whether or not it can be done under the fifteenth amendment. If it can be done under the fifteenth amendment, the Sutherland amendment is not needed. If it can be done under the fifteenth amendment, none of the election laws passed under the fourth section of the first article were needed. The great body of the lawmakers of this country who enacted those drastic election laws, in the enactment of those laws pronounced as strongly as they could that the fifteenth amendment did not of itself give them the power, and the Supreme Court, in the Siebold case and in other cases, distinctly put their ruling upon the ground that the power to pass those election laws was a power derived from the fourth section of the first article of the Constitution.

Of course there are other provisions of the law found in the sections in the Revised Statutes numbered five thousand and odd which are not based upon that, but those provisions of the law are made applicable and put in force by reason of the fact that they can be applied to the election laws and made of service in the enforcement of the election laws. In the absence of the provision of the fourth section of the first article the election laws could not have been passed. They are found in the Revised Statutes in the two thousand range, I have forgotten the exact number, beginning from section two thousand and odd and running on page after page. If those election laws had not been passed the particular laws to which the Senator from Maryland refers could not have been

made applicable and put in practical effect as they were in controlling the election of Representatives in enforcing the terms of those election laws.

Now, Mr. President, Senators say with great earnestness that the Sutherland amendment is not a change in the Constitution, that we are simply using the same words which are there now; that we are simply making them applicable to the changed conditions where Senators will be elected by the direct vote of the people, and that it is in fact no change in the law. The change in the law I say is this:

In the first place, the election laws which have heretofore been passed were laws limited exclusively to elections of Representatives and were so denominated. In the second place, no one can dispute the fact that with the elections of Senators by the legislature, although the law is the same in language as that with reference to the election of Representatives, the exercise of the power is altogether different in the election of Senators. In the election of Representatives there is the power which I have recited to pass these election laws—the power to control elections, the power to register the voters, the power to determine who shall be registered, the power to determine who shall be the supervisors of that election, the power to put marshals at the polls to supervise those elections, the power to bring the Army of the United States to maintain those marshals, and there is finally the power to have a returning board to say who have been elected.

Under the present law as it stands, those powers do not exist in practical effect as to the election of a Senator; and yet if we make the election by a direct vote of the people and apply the same law, all those powers with reference to the election of a Representative will then be applicable to the election of a Senator, and it is just as great a change as if there had been an independent enactment to that effect.

Mr. President, I recognize another fact. It is urged with great earnestness that that is the law with reference to Representatives and that if we have direct vote by the people it ought to be the law with reference to Senators. I want to give some reasons why it should not be.

In the first place I will call to the attention of the Senate the fact that the fourth section of the first article as it has been construed, and as I grant it is capable of being construed, is an utter perversion of the intent and purpose of the framers of the Constitution. The framers of the Constitution, Mr. President, never had it in their minds in the most remote degree that the Federal Government should ever exercise a control over the regulation of elections as it has since been exercised, and as it has been determined by the Supreme Court they had a right to exercise, and I will go further and say as a legitimate construction of the words "manner of election" will permit it to be exercised. I want to call attention to what was said in the debates in the different States at the time the question of the adoption of the Constitution was under consideration, to show that such a thought was never in the minds of the framers of the Constitution and was never in the minds of the States when they adopted the Constitution. I am happy to say, Mr. President, that the strongest utterances, or among the strongest utterances, on this subject are States which are not Southern States but Northern States.

The question of negro suffrage was in nobody's mind or anticipation. The question of the effect of slavery or the institution of slavery was not in any man's mind, because at that time every State in the Union except one was a slave State, and that one was Massachusetts, in which there was a dispute as to whether or not slavery existed in it. Every other State at the time of the adoption of the Constitution was a slave State. So this consideration of the existence of slavery had no influence upon the various conventions when they made the announcements which I am about to read. Slavery was not for a long time after that abolished in the various Northern States.

If I recollect aright, even in the State of New York slavery existed until the year 1828. So it had no reference to the question of slavery or the presence of the negro. Yet, Mr. President, those hardy people, composing those 13 States, scattered as they were, out of the sphere of influence of any central power as they were, with no great predominating and inflaming questions to raise section against section, were each jealous of the right to forever control their own internal affairs, and especially in relation to the question of suffrage.

Mr. President, I will begin with the State of South Carolina. The State of South Carolina in its convention adopted the Constitution on the 23d of May, 1788. It was not among the first to adopt it by any means. The first State was Delaware, the second was Pennsylvania, and the third New Jersey, or the reverse of that, I have forgotten which, and the fourth was my own State. South Carolina did not adopt it until May 23, 1788, and in adopting the Constitution it used these words with reference to this particular fourth section of the first article. I want to say to Senators, go through the debates in the various conventions and you will find that the most seriously contested question in all of those conventions was as to whether the Federal Government should have the right to exercise any power over elections within the States, and all these States all adopted it with reservations.

The State of South Carolina said this in its articles of adoption:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution.

Before I read the others I am going to say that, as in the case of South Carolina, that was the exception made as to all of them, that was the exception made by the most earnest advocates of the adoption of the Constitution, and none of the States, with one exception that I am going to cite hereafter, would go further than that. It was natural that there should be the apprehension that the States themselves might not elect Representatives, that they might not pass a law for the election of Representatives, and therefore it was important that the Federal Government should have that power in case the States failed to exercise it. They had just had an experience with a Confederation, in which the States were bound together only by a loose rope of sand, and they did not know when they enacted this Constitution whether the States, in giving their adherence, would be strong and earnest in their desire for a maintenance of the Union. They wanted it fixed so that, if the States should fail to provide a means by which Representatives could be elected, the Federal Government itself should have that opportunity in order that, as recited in all of these various resolutions and as stated by the Senator from New York in his address the other day, the Government might be saved from dissolution. Now, I will read, Mr. President, the resolution of Virginia, June 26, 1788, in adopting the Constitution:

> That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

North Carolina in the act of 1789 ratified the Constitution in the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse to exercise it. North Carolina was reluctant to vest the Federal Government with this and other powers, and delayed the act of adoption. Rhode Island was the last to adopt the Constitution, and North Carolina was next to the last.

Now, I come to New York, where, as the Senator from that State who sits before me knows, there was a desperate opposition to the adoption of the Constitution, and where this very provision in the Constitution was one of the great stumbling blocks in the way of its adoption. I have what the great State of New York said in its act of adoption, July 26, 1788. After reciting various things which the convention thought ought to be included in the Constitution for the protection of the rights of the people in the various States, and also fundamental rights belonging to the people upon which the Federal Government should not be allowed to encroach, it continued—New York ratified the Constitution on the 26th of July, 1788—and uses this language:

> Under these impressions—
>
> Those which it had previously recited—
>
> Under these impressions and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.
>
> In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises.

Thus spoke New York. Rhode Island, when after more than two years' delay she finally ratified the Constitution on June 26, 1790, used the same language as did the State of New York, only stronger.

Pennsylvania said in the article adopting the Constitution:

> That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

The State of Massachusetts on February 6, 1789, in its act of adoption used this language:

> That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations *subversive of the rights* of the people to a free and equal representation in Congress, agreeably to the Constitution.

That is the only State that has a qualification in asserting this right claimed by all of the States, and yet you will observe that, even though it had that qualification, it was not satisfied with the broad grant of power conveyed by the fourth section of the first article of the Constitution, but desired that the power should be restricted in such a way that the right of the State to control its own internal affairs and to decide as to what was to the interest of its people in guarding their institutions should not be infringed upon by the Federal Government. In order that their rights should not be invaded by the Federal Government, the convention which ratified and adopted the Constitution went on further in the same connection and said:

> And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article.

They adopted the Constitution with the distinct provision that there should be efforts made to procure amendments which should cover this particular point and guard the State in this particular.

New Hampshire, when it ratified the Constitution, June 21, 1788, made a recommendation in the same language as did Massachusetts.

Thus we have it, Mr. President, with nearly all of the States—some of these records are lost and can not be found—but so far as can be ascertained, in all of these States this particular provision of the Constitution was challenged, and was only acceded to upon the assurance that they felt that it would only be used to the extent mentioned for the purpose of guarding against the possibility that the States themselves might not exercise the power, and in the further confidence that the Constitution should be so amended as to restrict it to that.

Not only so, Mr. President, but the great commentators of that day, the men who engaged in the effort to have the people of the United States adopt the Constitution, time and again repeated, reiteration upon iteration, that that was the only purpose of the fourth section of the first article of the Constitution, simply to guard against the possibility that the States themselves might not elect representatives.

Mr. PERCY. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. PERCY. Just for one moment. In discussing this power in a speech the other day the Senator from New York stated that Mr. Madison, of Virginia——

Mr. BACON. I am coming to that.

Mr. PERCY. If the Senator from Georgia is coming to that, I will not then interrupt him with a question.

Mr. BACON. Go ahead.

Mr. PERCY. I just want to call attention to the fact that, while Mr. Madison, of Virginia, was an advocate of the exercise and bestowal of this power upon the Federal Government, it was with the same limitation that the States referred to by the Senator from Georgia adopted, namely, that it was an emergent power only.

Mr. BACON. I have it right here.

Mr. PERCY. Go ahead with it. I simply wanted to call the attention of the Senator to the matter.

Mr. BACON. Mr. President, I am obliged to the Senator from Mississippi for directing my attention to it. I had some other citations to read, but I will read that directly in this connection.

As correctly stated by the Senator from Mississippi [Mr. PERCY], Mr. Madison was one of the great advocates of the adoption of the Constitution before the Virginia convention, called to decide the question whether or not it should be adopted. In that convention there was grave and serious opposition to its adoption, because of the grant of this and other powers to the Federal Government. That particular power had been challenged, the danger that it would be abused had been pointed out, and Mr. Madison, in defense of that provision, used this language:

> It was found necessary to leave the regulation of these (times, places, and manner) in the first places to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution * * *. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

Mr. John Jay, afterwards Chief Justice of the United States, in discussing in the New York convention this provision of the Constitution, used this language:

> That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government, and prevent the dissolution of the Union. He believed this was the design of the Federal convention.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I will say to the Senator that I would yield for a question, but manifestly I could not, without breaking the continuity of what I am endeavoring to present as a consecutive argument, now turn aside to discuss some of the numerous questions which I know the very fecund mind of the Senator from Utah would naturally present.

Mr. SUTHERLAND. I simply wanted to ask the Senator a question, and I could have done so during the time the Senator has been protesting against it.

Mr. BACON. I am not protesting; the Senator does me an injustice.

Mr. SUTHERLAND. Well, have I the Senator's permission to ask a question?

Mr. BACON. If it is a question, yes; but I do not desire to go on to a side argument at this time.

Mr. SUTHERLAND. The question is right on the point the Senator is reading. Does the Senator from Georgia agree with the statement made by Chief Justice Jay with reference to this matter?

Mr. BACON. Mr. President, I have no reason to disagree with the judgment of afterwards Chief Justice Jay. He was giving his opinion as to what was the purpose of it. The Senator, perhaps, did not hear what I said in the beginning, that while that was the intent and the purpose, the construction of the word "manner" was very much broader and could be enforced to a very much greater degree.

Mr. SUTHERLAND. Well, does not the Senator, if he agrees with the language of Chief Justice Jay, agree that it is necessary for the General Government to have this power under some circumstances, namely, in order to preserve the Government from dissolution.

Mr. BACON. I am coming to that very question, if the Senator will permit me. I have that in view. It is a very pertinent question, but I have not quite reached it yet. I will, however, in a moment.

Mr. SUTHERLAND. Very well.

Mr. BACON. In the Madison Papers Mr. Madison uses this language in regard to this section:

> This was meant to give the National Legislature a power not only to alter the provisions of the State, but to make regulations in case the States should fail or refuse altogether.

That was in the mind of all.

The great apostle of the party to which my distinguished friend from Utah [Mr. SUTHERLAND] belongs, Mr. Hamilton, also expressed his idea of this section. Mr. Hamilton, while he was not one of the most influential and potential men in the framing of the Constitution, because there were many things in it which were at variance with his ideas of what should be in it, was afterwards one of the most urgent and ardent and effective advocates of the adoption of the Constitution, and he contributed papers, with Mr. Madison, which are the most illuminating upon that subject of the arguments of that day. In the fifty-eighth number of the Federalist Mr. Hamilton used this language:

> They (the convention) have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

Having been a member of the convention in New York, having heard all of the discussions, while using different language, he had doubtless in his mind the exact meaning which Chief Justice Jay had attributed to it and which was embodied in the resolutions of the convention itself. I think I am correct in saying that he was a member of the New York convention. I will ask the Senator from New York [Mr. ROOT] as to that.

Mr. ROOT. Yes.

Mr. BACON. That was my recollection.

Now, Mr. President, we come to the question which the Senator from Utah propounded to me, and which I was about to reach without the suggestion on his part. The question of the Senator from Utah is this: Is not this a necessary power—the power thus to guard the Government against the danger of dissolution by reason of the States' failure to provide a method by which Representatives shall be elected to take their places in the other branch of Congress. I will say, Mr. President, that, with the conditions as they existed then, it was a proper provision to put into the Constitution, for, as I have previously said, there was reason then to apprehend that the States might be negligent in their performance of that duty; that they might grow cold in their allegiance to the new Government, as they had grown indifferent to the ligaments which bound them to the Confederation, and that for that reason it was proper that there should be such a provision; but is there a Senator, is there a man in the whole United States, who believes for a moment that it is possible at this day that a condition of affairs will arise where the States and the people within the States and the ambitious aspirants within the States will leave undone that important duty? Is it possible to conceive that the time will ever come when the States will not have laws by which Representatives can be elected and sent to Congress, or that there will be a condition under which they would be unrepresented in Congress, nonparticipants in its affairs and nonrecipients of its benefits?

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do, for a question. I would prefer, if the Senator wants to argue the proposition, that he wait until I get through, and I will give him all the opportunity he desires.

Mr. SUTHERLAND. I simply want to say to the Senator that under existing conditions the Senator is undoubtedly correct; but is the Senator or anybody else wise enough to know that in all the time to come this power may never be necessary and that in all future time no State will neglect this duty? It may be true, under existing circumstances, that it will not be done, but none of us is able to see what the future may produce, and is it not wise to preserve this power against the day of need?

Mr. BACON. As is suggested to me by my friend from Texas [Mr. BAILEY], we would be very glad to have that power if, as was suggested in a number of the ratifying conventions, it was limited to that case. I would be willing to provide that the Federal Government should have the right to exercise the power to prescribe the manner of holding such elections in all cases where the States neglected to do so. That is the point, namely, that as originally contemplated it was limited to the case where the States neglected the duty; it had no other purpose in view, and if it had been extended beyond that the Constitution would undoubtedly have been rejected. Suppose, instead of the language as found in section 4 of the first article, the reading of that section had been different. The Senator will bear in mind what I before read of the very strenuous opposition of the States from the topmost New England States down to the extreme South, in regard to the control by the Federal Government of the manner of elections within the States. But suppose, instead of the language found in section 4, Article I, this had been the reading of the section:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations for the purpose of keeping order at the polls, insuring pure elections, and enforcing the right of every person to vote who may be deemed by the Federal Government eligible thereto under the law, and for that purpose shall have power to appoint registrars and supervisors of elections in the several States, with marshals and soldiers to enforce their authority.

Does the Senator think, does any Senator think, for a moment, in view of the sensitiveness of the States at that time as to any encroachment of the Federal Government upon the question of prescribing who should vote or who should not vote in the elections in the States, that the Constitution with such a provision in it would have been adopted by a single State of the 13 States? Yet under the broad construction which it has received by Congress and by the Supreme Court, under the broad construction of which it is capable, and under the application of it in the enactment of law in a manner not then contemplated, that section, as I now suggest, is just exactly the same in effect as the Sutherland amendment. The States would never have adopted the Constitution with section 4 of Article I written out plainly that way.

What conclusion do I draw from that, Mr. President? The conclusion I draw from that is this: That it is no argument to say that that is the law with reference to the election of Representatives and that therefore it should be the law with reference to the election of Senators. In view of what I have submitted there can be no doubt of the fact, no possible question of the fact, that that was not the original contemplation of the Constitution; and if any change is to be now made at all the power in the Federal Government as to the control of the manner of electing Representatives should be limited in this particular, and the power should not be extended where it does not now exist. That is my argument, that is the response I make to that; and I conceive, Mr. President, that it is a conclusive one.

I intended to do it at a later stage in the argument, but my friend from Texas [Mr. BAILEY] makes a suggestion to me which I will carry out now. Mr. President, this resolution providing for the election of Senators by direct vote of the people can be adopted if those who profess to be its friends will frame this particular provision in a way that will not make it dangerous to us. We will not go to the extent of saying that we will not agree to this amendment unless it is taken out altogether, but we will go to the extent of saying that we will agree to it if it is limited to the cases where the State fails to act, as it was originally intended, as shown by all these utterances by the various conventions.

Let it be so limited that in the direct election of Senators by the people the States shall have the right to prescribe the times, manner, and places of holding the elections, and that the Federal Government shall have the right to make such regulations only in case the States should fail to make the necessary regulations prescribing the manner of holding such elections.

Now, Mr. President, there is a plain proposition. Make that change and I pledge, so far as this side of the Chamber is concerned, that joint resolution will be adopted for the election of Senators by direct vote of the people. Preserve, if you please, the right of the Federal Government to fix the time. I think that is right and proper. Then, as to the manner, limit the power of the Federal Government as the framers of the Constitution intended it to be limited, and as the conventions which adopted it understood it to be limited, to cases where the States fail to make the necessary regulations. Do that and our contention immediately ceases.

Mr. President, I think this is a question which concerns all the States and is not limited to any particular section; and yet we can not shut our eyes to the fact that there is a large section of this country which is peculiarly interested in it, a large section of this country to which it is of the most vital importance that the States should control the question of suffrage within their borders. I want to say, Mr. President, in this presence that there is no question concerning public affairs, either in the National Government or in a State government, in which the people of the South are so vitally interested and in which the people of the South are so unalterably fixed, come weal come woe, as their determination to preserve white supremacy, and it is no use to mince words on the subject.

Mr. President, we have fought the battle, as I said the other day, through the darkest night through which a people ever passed. We have rescued our civilization by the sacrifices and the trials which we then endured. We have not only rescued the civilization of the South, but we have rescued this entire Nation from the destruction of civilization which would have undoubtedly ensued if a Haiti had been made of the South. With civilization and with social order overthrown in the South, the deadly poison would have extended to the whole country.

Mr. President, I approach that question from that standpoint. If that standpoint is wrong, then all I have to say is wrong, because I base it all on that so far as it concerns my particular section. But then I want to say further that I do not consider the importance of this question as limited to my section. Constitutions are not made for to-day. They are not made for to-morrow or a decade or a century, but they are made for the life of a nation. They are not made for peace only; they are made for storm, and no man can tell in the years which are to come, in the centuries which I hope are to pass with this Government still pursuing its grand career, there is no telling when the time will come when this question of the right of the States to control their elections will be a vital question to other than the States in the southern section of this country.

Sir, there are great forces at work—great forces of unrest. No man knows what the next decade will bring, much less what the next century will bring, and the greatest bulwark that the people of this Nation can have against the dangers from the upheaval of those great forces is in the check which there is in the control by each State of its own affairs. So if there is a predominating influence for evil in any section, it can not outweigh the counterbalance in the lesser part, but that each, a separate entity, may, by controlling matters within its own borders, hold in check that predominating influence for evil. And so I say, while the question is acute now with us, it is a question which in the future may be acute with some other sections.

Mr. President, Senators from the West are nervous about the yellow peril. They do not, however, think it possible now that the question of suffrage for Asiatics can ever be presented to them or to this country, because they are not now even allowed to be made citizens. But is any man within my hearing ready for a moment to say that the proposition of Asiatics ever being forced as voters upon the people of the western coast is more impossible or more unthinkable than was the probability in the year 1860 that in eight years by an act of the Federal Government a whole section of this country should be submitted to the dangers of the domination of a race of people with only the slavery through thousands of years behind them, who were of the lowest alien race, and who had none of the capacity or intelligence or experience or character essential for government? Does any man think that the possibility of a change which shall confront the western people with the question of the right of that Asiatic element to vote—is there any man here who will say that the possibility of that compares with what was recognized as the possibility in 1860 that that would occur which did occur within the short space of eight years?

Mr. President, I hope Senators will not consider me as endeavoring to stir up feeling on sectional or racial questions. But yet we have the problem with us; we have the dangers confronting us, and we can not shut our eyes to them, and we must guard against them. It will not do to say that the thing is settled. The only argument that can be used in support of the proposition to ignore these safeguards is that the day of danger from this cause has passed, or, as said by the Senator from Maryland [Mr. RAYNER], that the issue is dead. I shall, sir, in reply call attention to the attitude occupied within a very short period in the past upon this question by the influential dominant party of the country.

In time of peace it is hard to believe that there will be war. It is hard to look upon a peaceful ocean and realize the fact that on the day before the storm had lashed it in fury, and still more difficult to realize that on the next day it will be seething in a tempest. With other Senators who now sit here I have seen, only a few years ago, Mount Vesuvius when it was as peaceful as any mountain in Pennsylvania or in West Virginia, although before then it had known its days of fiery wrath. And yet since that recent day when we have seen it thus peaceful, mighty forces have worked within it. There has been since then a great convulsion within its vast abyss which has blown off a third of the upper cone of that mountain, blown it to the very skies, and the people who in fancied security had settled at the base of that mountain and had there builded their villages and had planted their orchards and their vineyards upon its slopes, fled in terror from homes all engulfed in a storm of molten lava.

With such convulsions as we have been through, such dangers as we have had to face, such troubles as we have had to endure—are we now to neglect all opportunity, neglect all precaution, upon the simple ground that there is now peace?

I shall have to call attention to some things, in no spirit of unkindness, in no sectional spirit, but as a justification, as a reason why we can not submit, or some of us, at least, to a change in our fundamental law which will give to the Federal Government the control of our internal affairs.

Before doing so, however, and before I pass from the subject I have been discussing, I desire to suggest one thought to Senators. Upon what possible ground can there be a justification of the proposition that the Federal Government ought, for the purpose of securing free elections and purity of elections, to have the power to interfere and control those elections by registrars and supervisors and marshals and deputy marshals and soldiers at the polls and with persons chosen to certify the result of the elections? Upon what ground can it possibly be defended except upon the ground, first, that the States themselves have not the intelligence and the virtue to decide this question for themselves; second, that the country at large in its collective capacity has an intelligence and a virtue not found in an individual State? Does any man think for a moment that when the Constitution was framed and the Government was formed any such thought was in the minds of people? And, Mr. President, if there is any Senator here who thinks that while it might not have been true in the first instance, it is true now, I scout the proposition and I would trample it under my feet.

Does the Senator representing any great State—New York or Pennsylvania or Illinois or Massachusetts—think for a moment that the people in his own State are incapable of determining what is best for the people of that State, incapable of maintaining free institutions, incapable of maintaining the virtue and public character of their people, and that the collective intelligence and collective virtue of the people of the United States are superior to their own and should be, therefore, invoked to control them in that which they are not able to manage for themselves?

Why, Mr. President, the very suggestion of it is abhorrent, and what is justly claimed to the contrary for such communities as those States which I have named can with equal right be claimed for every other State; and so far as I am concerned, sir, I will never agree, cost what it will, to sanction any provision which shall contain within it necessarily the recognition of any such monstrous heresy as that, and yet there can be no other ground upon which the policy and duty of Federal interference can be placed; no other ground.

The people of Massachusetts, the people of New York, the people of Illinois are not the guardians of the people in Georgia. They are not the people who are to determine what should happen within it in order to protect those within her borders or to safeguard her institutions. Mr. President, it is the opposite of that proposition, it is the ignoring of that proposition, it is the denial of the power and ability of people within the States to control their own affairs that has led to all the great troubles, the great sacrifices, the great tragedies in this country.

I do not hesitate to say, Mr. President, that the greatest tragedy in the nineteenth century, if not the greatest tragedy considered from some standpoints of all the ages, was the Civil War in America—greater than the tragedies of the wars of Napoleon or of Hannibal or of Cæsar, because they were wars between alien peoples. But our Civil War was a war of people of the same race and blood on each opposing side, the same kinships, the same family—fathers, brothers, sons—who went against each other to war; and that a million men of the same race and blood, the same ancestry, and the same destiny should have, in that fratricidal war, found untimely graves, is the greatest tragedy not only of the nineteenth century, but of all time. Point to a parallel, if you can. And what brought it about? Mr. President, we know that while it was complicated with other questions and the issue was at times obscurely stated, the existence of African slavery caused the war, and without the existence of African slavery no war would have occurred; and I assert here, and I challenge contradiction, that in all probability, with almost certainty, slavery would have been driven from the United States peacefully and by the consent and cooperation of all sections if it had not been for the intermeddling of people in other States, who undertook to say what was right and proper in States within which they did not live.

Why do I say that? I can give a number of reasons, but I point to one, the correctness of which is easily ascertained. Let any man go and read the debates in Congress up to the thirties, and he will find that the Southern Senators and Representatives were apologists of slavery and not its defenders. He will find that they apologized for it on the ground that they had inherited it; that it had been put upon them against their will, or without their agency, rather; that a large proportion of it was in the influx of slaves from the Northern States, where they had not abolished slavery peremptorily, but where they had fixed the date when the abolition of slavery should commence, giving ample time in the meantime for all the slaves to be carried South and sold.

They were apologetic of it, I say. All the great leaders of the South were against slavery. In my own State, the very first of all colonies to so provide, had in its law a prohibition against slavery. Jefferson, Randolph, all the great sages of the South were opposed to slavery, and it was not until the great meddling, the great interference by fanatics in other States, attacking the institution, heaping all obloquy upon those who were so unfortunate as to be within its grasp—it was not until then, until this interference, that the apologetic tone naturally changed according to all human impulse into one of defense of the institution, and finally into one of defiance of those who were thus attacking it, and out of that grew that war, that terrible tragedy, the greatest of all times, with a third of the country utterly desolated, with a vacant place at every hearthstone, and a million of young men in untimely graves. That was the direct conse-

quence of the "holier than thou" doctrine and practice. It is in resistance to that doctrine that I oppose the policy or the right of Federal interference in the control by the States of their own elections.

Now, the Senators say that the time is passed; that that issue is dead, and that there is no longer danger of Federal interference. I have occupied so much time that I will not carry out the intention I had of going through this particular branch of the question in detail. I must allude to it, however. We have had within the last 30 years great controversies and great struggles upon this very issue. There first arose—I will not say there first arose—but there was in the Forty-fifth Congress so great an opposition to this Federal interference that the Democratic House at that time felt itself justified in putting upon the Army appropriation bill a provision which prohibited troops at the polls in connection with the election laws. It passed the House of Representatives, and, Mr. President, if I had time I would like to call the roll of the great men of that day who were engaged in that controversy, some of whom I see before me, who were then Members of the House, men who contended on the one side and the other side. The position was taken that the Federal election law was a great invasion of the rights of the people to the free exercise of the franchise and of the right of the State to determine in what way that franchise should be exercised. They said that unless the Government would withdraw its troops, unless it should put in the law that it could not have troops at the polls in the support of the Federal election laws, the Army appropriation bill should not pass.

Mr. President, of course there was great criticism upon the fact that supplies to the Government were denied, but Mr. Hewitt, of New York, who reported the bill to the House, defended it upon the ground that it had been true of our ancestors, that they had secured the great rights of civil liberty by denying supplies unless concessions in favor of that liberty were permitted to them by the Crown. And so it passed the House and came to this Senate. The Senate, being Republican, refused to pass the bill with that provision upon it which took the troops from the polls in support of Federal supervisors, and it went into conference, and after an interchange it finally failed in conference and an extra session of Congress had to be called, and in that extra session of Congress there was again a great struggle.

The Army appropriation bill in the House again had that same provision put upon it. It again came to the Senate, and again the Republican Senate struck it out, and it went into conference. I want to read, Mr. President, the names of the Senators who took that position—the Senators who recognized the fact that the question of the right of the people to control their own elections was so grave a question that rather than surrender it they would stop the wheels of the Government.

I want to say, first, Mr. President, that among those Representatives in the House who took that position were distinguished men who afterwards came to the Senate, and I read the names of some of them. There were Messrs. Blackburn, of Kentucky; Kenna, of West Virginia; Vance, of North Carolina; Carlisle, of Kentucky; and MONEY, of Mississippi; and when it came to the Senate there were Senators of historic names who stood for that proposition and who said that before they would agree that the Federal Government, under the elections laws and with the use of troops at the polls, should be allowed to control elections in the States, they would refuse the supplies to the Government for the support of the Army. The Senators who then spoke and voted that way in the Senate were Bailey, of Tennessee; Barnum, of Connecticut; Bayard, of Delaware; Beck, of Kentucky; Butler, of South Carolina; Cockrell, of Missouri; Coke, of Texas; Davis, of West Virginia; Dennis, of Maryland; Eaton, of Connecticut; Garland, of Arkansas; Gordon, of Georgia; Grover, of Oregon; Harris, of Tennessee; Hereford, of West Virginia; Hill, of Georgia; Jones, of Florida; Kernan, of New York; Lamar, of Mississippi; McCreery, of Kentucky; McDonald, of Indiana; McPherson, of New Jersey; Maxey, of Texas; Merrimon, of North Carolina; Morgan, of Alabama; Ransom, of North Carolina; Saulsbury, of Delaware; Shields, of Missouri; Thurman, of Ohio; Voorhees, of Indiana; Wallace, of Pennsylvania; Whyte, of Maryland; and Withers, of Virginia.

Mr. President, these be great names, illustrious names, not only in the Democratic Party but in American history; and I invoke their names to-day in justification and support of the position I take here.

Sir, can it be conceived for a moment that these great men, these illustrious men, who were willing to say that the wheels of the Government should be stopped before these election laws and troops at the polls should be allowed to continue to interfere with the elections within the States—can it be said that if they were here to-day standing in the places which we in only a measure can hope to worthily fill, they would vote to extend that provision of the law to the election of Senators, when in its enforcement in the election of Representatives they said, "We will stop the wheels of the Government before we will permit it?"

Mr. President, there is no escape from the proposition. Can it be said for a moment that Senators would have taken so drastic action as that, these great men—for they were great men, and I am afraid we of this day can not furnish their equals—can it be said for a moment these great men would be willing in any manner to extend this dangerous power in the Federal Government or consent to the possibility of its exercise in any additional sphere where it does not now have it?

Mr. President, that did not end the controversy. There were other instances in which the struggle was waged. I will not, however, now stop to recall, or rather to recite, them, because I feel that time will not permit; but when Senators say there is no danger, when Senators say that the time for such issues is past, that the issue is dead, I want to call attention to the fact that the law of 1870 for the control of elections at the polls in the States, a law coupled with another which had been previously passed, which put it within the power to send troops to maintain the authority of these supervisors and registrars and deputy marshals at the polls—I want to call attention to the fact that that law was not repealed until the year 1893, and that it was repealed by the only Democratic Government that has existed since the war. There has been but one term of Congress in which the Democrats had the Executive and each branch of the legislative Government, and that law was repealed by that Congress, and when it was repealed every single Republican voted against the repeal; and yet we are told the issue is dead.

Prior to that repeal, to state it as briefly as possible, in the year 1890 there had been introduced in the other House what was known as the force bill. I want to state another fact. Seeing my learned friend, the Senator from Texas [Mr. BAILEY], sitting before me reminds me of it. When we are talking about the question whether the thing is dead and belongs to the distant past, and when I am bringing to the attention of the Senate the fact of these recent occurrences, I note that the Senator from Texas, as young as he is, born during the Civil War, was a Member of Congress and recorded his vote in 1893 in favor of the repeal of those Federal election laws. That does not look very much like it was an ancient and antiquated measure, and that the influences which supported those election laws belong to the dead and distant past. I could enumerate a great many others. I see Senators sitting in front of me who were in that House before that time.

But, Mr. President, to recite it briefly, there had been introduced in the House what was known as the force bill, which passed the House after a very acrimonious and heated debate. It came to the Senate and, after possibly the most acrimonious and heated debate which has taken place in the Senate in 30 years past, it was at last defeated by indirection and not by direction. It was defeated simply by the then Senator from Colorado, Mr. Wolcott, moving to proceed to the consideration of the congressional apportionment bill, and while that motion was not debatable any one who will read the RECORD will see in the remarks which were interjected the intensity and heat of those who realized the fact that if that motion prevailed the bill would fail, the bill by which they had set so much store.

Mr. President, it was in that debate when party spirit ran so high and the intention to fix that bill upon the country was so strong that the present Senator from Rhode Island [Mr. ALDRICH] submitted a resolution to apply a cloture in this body—not simply a motion, but an elaborate resolution to apply a cloture in this body to cut off the efforts of those Senators who were resisting the measure, so earnest was he in the insistence that the force bill should be passed.

Now, Mr. President, it will not do to say that the debate to which I have alluded when the extra session was forced was one which related simply to the question of the removal of troops from the polls. While there was an extra session by reason of the failure to pass the Army appropriation bill, the burden of that whole debate was that the necessity of the troops at the polls was required in connection with the election laws, which gave to Congress the power and the opportunity to control the manner in which these elections should be had. If Senators will turn to the speech made by Senator Voorhees in the debate, which, of course, I can not stop to quote, they will see a most elaborate discussion in that very controversy of the election laws and each provision and clause of the election laws as they were affected by the use of troops at the polls for their enforcement.

Mr. President, I want to say another thing which will be borne out by anyone who will take the time to examine the debates of that day. While there was a general claim of power

and some incidental mention occasionally of disorders in different States, the great burden of the argument through all the months was in that controversy that the Government should have the power to pass a Federal election law, with registrars and supervisors and deputy marshals and troops at the polls, in order that the black vote of the South might be protected in the casting of the ballot. Senators will find not only page after page, but volume after volume, of the congressional debates filled up with that.

Mr. President, I am going to read, just to give an idea of it, an extract from that debate from the then Senator from Maine, Mr. Blaine. I do not do this now from any unkindness or for the purpose of stirring up any feeling, but to show the animus and purpose of those who then advocated the Federal election law, and that we stand on solid ground when we oppose this legislation or when we oppose extending to the Federal Government the power to enact legislation of this kind.

On page 733, volume 9, part 1, Forty-sixth Congress, first session. That was the extra session which had been called because of the fact that the Army appropriation bill had failed in the manner and for the reason I have stated. The sole question being whether or not these laws should be kept upon the books, whether these marshals should be armed with the power of troops, nobody denying that the Federal Government under the fourth section of Article I could do it, the sole question was whether it should be done or whether or not if the Government were to refrain from doing it the supplies should not be stopped from the Army. Here is what Mr. Blaine said about elections in the South. It may be true from the standpoint of some gentlemen, but it nevertheless accounts for the fact that we are not willing that that matter should be adjudged by the Federal Government. Mr. Blaine, in the course of that debate, said:

> What we ask is that Representatives in Congress shall be elected by the free vote of the people of the respective districts, and there has never been such a travesty on truth, there has never been such a satire on fact, there has never been such a pretense to righteousness so utterly confounded by fact and so utterly ridiculed by history as for the Senators on that side to stand up here and demand a free election. Why, that is what we have been struggling for—a free election. There has not been a free election in five Southern States that I can name since the Democrats have had power. There was no more a free election in South Carolina for the Congress now in session than there would be in a mob of violent roughs that had undisputed possession of a poll in the lower wards of the city of New York—not a particle more.

Mr. President, I could quote page after page and volume after volume of just such talk as that. Mr. President, we are not willing—at least I am not willing if the power does exist in the control of Federal election of Representatives—by my vote to give the opportunity to extend that power to be exercised by the Federal Government in the control of the election of Senators.

With the permission of the Senate, I will read one other extract from a Member of the House along the same line just to show that it was not confined to the Senate, coupling it with the statement that it is only one of thousands. In advocating the retention of the Federal election laws to control elections in the Southern States, Representative TAYLOR of Ohio said in the debate in the House:

> There is no need of any antagonism between the North and South, and if the South will secure equal and exact justice to all men of all colors there will be none, and the South will be the great gainer. If this is not done, sooner or later the same causes which brought on the War of the Rebellion will bring on another conflict, the end of which will not be so peaceable as the last. The Anglo-Saxon sense of justice will not permit this injustice to continue very much longer. The iniquitous methods of degrading the colored race in the South must come to an end. An enslavement of 8,000,000 of human beings by indirection, by fraud and perjury, by violence and intimidation, is no better than the slavery we had before the war and will not be allowed to exist very much longer. The colored race rebels, the great North rebels, one-half the Southern States rebel, and one-half the people where these frauds exist rebel against this flagrant and unblushing wrong.

With such views as those thus expressed, who can doubt, when the time came to act, the spirit with which Congress would proceed to enact laws to control elections in the South?

Mr. President, I know some Senators—who do not themselves approve of the resolution with the Sutherland amendment—say that by our votes here we do not determine this question; that we simply put it up to the States to determine it. I have no criticism to make of Senators who take that position, but it is one I can not use in justifying myself in casting a vote different from what I think is the proper vote to be cast by the legislature itself. It was the contemplation and the intention of the Constitution that the proposing of amendments to the Constitution was a function to be carefully exercised by Congress. It was not a matter in which the final determination was thought to be sufficient if three-fourths of the States had that determination. If so, we would have left it to a majority in Congress to propose the amendment, as is done in other matters. But so careful were they to protect even three-fourths of the States against the possibility of deciding unwisely that they said to Congress, Before you can submit to the States to be determined by three-fourths of them the question whether or not this Constitution shall be amended, two-thirds of each of your bodies shall think it ought to be amended. What else can you say as to the purpose in requiring that there shall be two-thirds except that it was the intention that Congress should weigh in its judgment whether or not there should be an amendment to the Constitution, and that if even a majority of them thought there ought to be such an amendment it would still require two-thirds of each House to agree upon it before there should be given to the States the power and the opportunity to decide it, even though three-fourths of them would have to concur before it could be decided in the affirmative?

I think, Mr. President, from my standpoint, that it is not proper for me to vote to submit to the States an amendment of the Constitution which I myself do not approve, and that I can only consistently submit to the legislatures of the States an amendment which I do approve.

I want to suggest one other thought in that connection. Some Senators say that, while they do not approve the resolution with the Sutherland amendment, they will put it up to the legislatures and that they will have a right to determine, and they do not feel that they are at liberty to deny to the legislatures of the States the right to determine the question for themselves. I want to suggest to Senators that when they put up to the States the opportunity to determine as to a constitutional amendment which they themselves do not approve, they run the risk of putting up a proposition which their own legislatures may not approve and which they will vote against, but which other legislatures may force upon them. Then, Mr. President, there comes the question of the responsibility of a Senator who thus by so doing practically defeats the will of his own State.

Mr. President, it is no light matter to amend the Constitution of the United States. It is a matter of sufficient gravity when we pass a statute law which gravely affects the people of the United States, because it is difficult to repeal it, but still it can be repealed. But when we pass a law which changes the Constitution of the United States, we have done that which is practically irrevocable. One-fourth, or a fraction over one-fourth, can defeat a proposed amendment to the Constitution. But when it has been once adopted, however grievous it may be, however tyrannical in its exercise of power it may prove to be, the fraction over one-fourth can not then put themselves back in the same position; it will take a fraction over three-fourths in order to do it.

There is one other thought, Mr. President, recurring to something I have already passed, and then I am going to close. In connection with the suggestion that this is a dead issue, there is one other thought in connection with the peculiar interests that the people of the South have in regard to this matter. I believe it is true that the great mass of the people of the North have changed their minds, and that there is now no general disposition to interfere with the people of the South in the control of their own affairs. Yet I recall that the Senator from New York [Mr. ROOT] in the main address which he made here the other day, stated the fact that there were things done at the South which, in his opinion, ought not to be done, and which, if they continued to do, the Federal Government must exercise the power to prevent; and when in a subsequent short debate I asked for specifications, the pertinent specification, one which he mentioned which relates to this question, was the suppression of the Negro vote.

Now, I am not going to stop to discuss the question which was raised as to whether or not the Senator in his reply meant that Congress could by direct act nullify the statutes of the State in prescribing the qualifications of electors. I am not going to stop to discuss that, but I do say that it does show from so high authority as the Senator from New York that the people of the North—perhaps I should say those belonging to the Republican Party—still have it in their minds that when opportunity comes they will exercise the power, if they have it, to interfere with the elections at the South.

Mr. President, even though it be true that there has been a change in the general feeling of the North on this subject, a general disposition to leave the people of the South to the control of their own affairs, it is a fact not to be forgotten that vast numbers of negroes have gone to the North and that in a half dozen close Northern States the negro vote is most potential and frequently holds the balance of power between the two great political parties.

Whenever the Republicans carry the State of New York by a close vote it is because the negroes have given them their sup-

port. The same thing is sometimes true in the great State of Illinois, even with its ordinary majority of over 100,000 Republicans. The same thing is frequently true of Ohio. The same thing is true always in Maryland and Delaware and West Virginia whenever Republicans carry those States.

Mr. President, is it possible for us to shut our eyes to the fact that it is a political necessity to regard the demands of that large voting negro population in these close States? Is it possible for us to shut our eyes to the fact that, however much the people of the North may be disposed to leave to the people of the South the control of their own affairs, the time may come when under the demand of the colored voters in these close States they may again, if they have the power, pass these election laws, having the southern elections in view, to retain their political support? We can not prevent them passing these election laws, if they have the numerical majority, in the case of the election of Representatives. We ourselves put our hands within the manacles as to the election of Senators if we extend to them this power.

Mr. President, it may be true of some Senators that they will support this joint resolution with the Sutherland amendment under a feeling of obligation for one cause and another, when they would prefer that it should not be enacted.

Some persons, Mr. President, must stand in the breach. For myself, with my views as to the danger of this measure, whatever may be the sacrifice, so far as in my power I propose to stand in this breach. I do not propose to consent, Mr. President, by any act of mine to extend the power of the Federal Government in the control of elections in the States. It is too great a price to pay for the election of Senators by direct vote; it is too great a price for my section, particularly; not only because of the vast magnitude of the issues which are involved, but because we already have the selection of Senators there by popular choice. There is not a Southern State in which the Senators are not now selected by choice in a primary election. Therefore we can afford not only to say we will not take it at this price, but we can afford to say we will wait. The time is near at hand when this amendment can be so framed as to relieve it of this objectionable feature.

Mr. President, I thank the Senate for its very kind attention.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

The message also announced that the House insists on its amendment to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The message further announced that the House had disagreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased; and

H. R. 26606. An act for the relief of Charles A. Caswell.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair) laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate further insist upon its amendments and agree to the further conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

Mr. SMITH of South Carolina obtained the floor.

Mr. CLAPP. Will the Senator from South Carolina yield to me for a moment to enable me to make a conference report? It will take only a moment.

Mr. SMITH of South Carolina. Certainly.

The VICE PRESIDENT. The Senator from Minnesota presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On amendments numbered 48, 76, and 82, the committee of conference have been unable to agree.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.
CHAS H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. CLAPP. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, that it ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. JONES. Mr. President, I want to ask the Senator from Minnesota whether the amendment relating to the Colville Indian money has been passed upon by the conference committee.

Mr. CLAPP. That is one of the three amendments upon which the disagreement is based.

Mr. JONES. If this conference report is adopted and the matter goes back to the conferees and the conferees then agree, whatever that agreement may be, I understand there would be no opportunity to discuss that particular amendment, but only to vote upon the report that is made.

Mr. CLAPP. That is true.

Mr. JONES. I really do not like to see it go in that way. I think that the amendment ought to be receded from by the Senate, and I think the matter ought to be discussed somewhat in the Senate, but I do not like——

Mr. CLAPP. I suppose that would be in order if it did not interfere with the Senator from South Carolina [Mr. SMITH], who has taken the floor to speak. I certainly do not intend to interfere with his speech.

The VICE PRESIDENT. It would be in order for the Senate to proceed with the consideration of the conference report, if it so desired.

Mr. CLAPP. I know it would be in order, but I would not press it, in view of the Senator from South Carolina having the floor.

Mr. JONES. I know that.

Mr. CLAPP. I think it might be just as well to send the report back to conference.

Mr. JONES. Then I will leave that to the judgment of the chairman of the committee.

Mr. DIXON. Mr. President, I have been out of the Chamber for a moment, and I want to inquire what became of the Colville item in the conference report. Was it retained or stricken out?

Mr. CLAPP. That is one of the three items upon which the conferees have not agreed. It goes back to conference.

The VICE PRESIDENT. The Senator from Minnesota moves that the Senate further insist upon its amendments numbered 48, 76, and 82; that it ask for a further conference with the House of Representatives thereon, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the Rules and Articles of War"; and the Senate agree to the same.

That the Senate agree to its amendment numbered 23, as amended by the House, with amendments as follows: On page 1 of said amendment as amended, in line 7, strike out the words "State, Territory, and the District of Columbia"; and in line 8 strike out the words "not to exceed one additional officer for each," and strike out the comma which appears at the end of line 8.

On page 2 of said amendment as amended, in line 18, strike out the word "one-fifth" and insert in lieu thereof "one-half," so that the amendment will read: "Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 200: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by 2 colonels, 3 lieutenant colonels, 7 majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed 60, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: *Provided*, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act. The appointees as acting dental surgeons must be citizens of the United States between 21 and 27 years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course: *Provided*, That the contract dental surgeons attached to the Medical Department at the time of the passage of this act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: *And provided further*, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons"; and the Senate agree to the same.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, I wish the Senator from Wyoming would state to the Senate whether the conference report establishes a dental corps in the Army.

Mr. WARREN. The proposition is, that instead of the three supervising dental officers and the various contract dental surgeons, there shall be not exceeding 60, or not exceeding one to a regiment who shall have the rank of first lieutenant. There are none above that rank. We have heretofore passed bills where such surgeons have been given the rank of captain, major, etc. This is cutting down that proposition to about the number we now use as contract surgeons, and making them first lieutenants.

Mr. HALE. Mr. President, this is the establishment by the authority of a conference committee of what has never been adopted by Congress in either branch, of a dental corps. I ask that the report may go over.

Mr. WARREN. I am perfectly willing that the report shall go over, but the Senator from Maine is in error. This establishes no corps. It is a part of the Medical Corps.

Mr. HALE. Let the Secretary read the provision of the conference report relative to the dental corps.

The VICE PRESIDENT. The Secretary will again read the provision to which the Senator from Maine refers.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows:

"Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: 'Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons'"——

Mr. HALE. That is enough, Mr. President. Let the report go over.

The VICE PRESIDENT. The conference report will go over.

PROPOSED RECESS.

Mr. SMITH of South Carolina and Mr. HALE addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized. Does he yield to the Senator from Maine?

Mr. SMITH of South Carolina. I do.

Mr. HALE. Mr. President, I rise to the question of the order of business. In accordance with the notice I gave on Saturday, I now move that the Senate take a recess until 8 o'clock this evening.

Mr. *BAILEY*. It is impossible for us to hear what the Senator from Maine it saying.

The VICE PRESIDENT. The Senate will please be in order.

Mr. HALE. My purpose in rising is to move that the Senate take a recess from half past 5 o'clock until 8 o'clock. It is evident, as I said the other day, that, unless we have evening sessions, with all the discomforts and burdens which they carry, it is simply not only impossible, but absurd, to think that we can dispose of the immense mass of unfinished matter which before Saturday noon ought to pass—all of the great appropriation bills, the subjects of public interest before the Senate, and, without going into any further enumeration, I think Senators will understand that, while it is a matter of inconvenience and burden, at this stage, with all these matters precipitated upon us, there is nothing else for us to do.

Mr. BAILEY. Mr. President, I agree thoroughly with the Senator from Maine [Mr. HALE] in thinking that it is impossible to conclude the work necessary without night sessions; but still I think it entirely possible and even easy to do so with night sessions of moderate length if we could get out of our way the unfinished business of the Senate. I have no objection to a recess if we can now get an agreement to vote upon the resolution touching the right of the Senator from Illinois [Mr. LORIMER] to his seat. I understand a request was preferred to vote to-morrow. That was denied because some Senators desired to address the Senate on that subject. Then a request was preferred for unanimous consent to vote on Wednesday; and that was objected to. I now venture to ask unanimous consent that the Senate will vote on that question at 2 o'clock on Thursday.

Mr. HALE. That is fair.

Mr. CUMMINS. Mr. President, I recognize, I think, as fully as can the Senator from Texas [Mr. BAILEY] the importance to the Senate, to the country, and to the sitting Member of the resolution to which he referred; but it is not, in my opinion, the most important matter before this body. This resolution had its opportunity for the space of one month or more. I do not criticize the objection then made, which prevented a vote during that time.

Mr. BAILEY. The Senator understands, of course, that the objection was based on the fact that the debate had not been concluded.

Mr. CUMMINS. Precisely; but it was suggested that the vote be had at such a time that the debate could have been finished before the time came for the vote.

Mr. President, there is pending before the Senate a bill, which has been passed by the House of Representatives, which has been debated all over this country for years, and which is desired by a larger proportion of the people of this country than any other measure which is now before us; and, so far as I am concerned—and I speak only for myself—I intend to do everything within my power to induce those who are opposed to a consideration of the tariff-board bill to consent to its consideration and to a vote upon it—I mean, everything within my power and the limits of parliamentary procedure. I think that is very well understood.

I know that there are many Senators who desire yet to speak upon the Lorimer case; I do not know how the request of the Senator from Texas may affect the business of the Senate, and therefore I want it to be clearly understood—I make no concealment about it whatsoever—that unless a time can also be fixed for voting upon the bill which creates a tariff board, I shall object to fixing a time for voting upon the Lorimer resolution.

Mr. BAILEY. In other words, though the Senator from Iowa has said to the Senate and to the country that the Senator from Illinois is not entitled to his seat, he declines to allow the Senate to vote on that until the Senate will agree to vote on some other question.

Mr. CUMMINS. Precisely.

Mr. BAILEY. If the Senator is content to take that position, I am quite content to have him appear in that way before the country.

Mr. CUMMINS. I am quite content to stand by what I have said. I believe that the bill to which I have referred is of greater importance to the people of this country than any other measure now pending before this body. The Senator from Illinois is here; he is sitting as a Member of this body. The opportunity to vote upon his title to his seat will not be lost if this occasion passes; but the Senator from Texas, as well as every other Senator here, knows that if we do not avail ourselves of this opportunity to vote upon the bill creating a tariff board we will have no opportunity so to do for years to come.

Mr. BAILEY. Which means that the people, having given authority to the Democratic Party in the popular branch of Congress, it must be denied the right to settle that matter as it pleases, and it must be forced through the Senate in connection with a totally different matter before the expiration of this session.

The Senator from Iowa makes it plain that he is trying to defeat the latest expression of the people's will rather than to record it, because, if it be true that the people of this country want a tariff board, then, if the Democratic majority in the next House does not pass it, that majority itself will disappear. Much as the people will hesitate about calling the Republican Party back into power, they might do even such a foolish thing as that [laughter] if the Democratic Party does not behave itself wisely.

Mr. CUMMINS. Mr. President, whatever may be the fortunes or misfortunes of the future, I am very far from being pessimistic with regard to them. The House of Representatives has had its command to pass this bill from the people of the United States, and the House has passed the bill.

Mr. BAILEY. Yes; but three-fourths of the Democrats voted against it.

Mr. CUMMINS. It is here, and it is the duty of the Senate to deal with it if it can be dealt with within the time still remaining to us.

Mr. President, I have preferred this request, and it has been preferred more than once, I think; and, as I remember, the Senator from Texas has been the only Senator who refused or who made objection to fixing a time for a vote upon it. I am perfectly willing, Mr. President, to go forward with the unfinished business—do not understand me to ask any interference with the unfinished business—and when that has been debated and when that has been concluded there will be a vote, of course, upon it. But when we are asked to fix a time at which the vote can be had, I only reiterate my former statement, that unless we can agree with regard to the tariff-board bill, I shall not agree to a vote on the Lorimer resolution or any other measure save an appropriation bill, for I think it is my duty to do everything in my power to secure a vote upon this bill.

Mr. BAILEY. Mr. President, a moment if you please. I have gravely doubted whether the Democrats in either House of Congress ought to permit any legislation touching the tariff question at this session of Congress. The people of this country, at the last election, at least voted a want of confidence in the Republican Party, and I think expressed their confidence in the Democratic Party. It therefore seemed to me that we would have been well within our rights to have flatly said to our discredited opponents—I do not of course mean personally discredited, but politically discredited opponents—"you can do those things only which must necessarily be done, and leave these other things to the Representatives who come fresh from the people, with the people's commission in their hands, and the people's command upon them." But I did not deem it proper to urge that view, and I have not done it.

My own opinion now is that these appropriation bills ought to wait for the next Congress. I am told, or at least it is said in the papers that we are to have an extraordinary session; and while I am not in the habit of believing everything I see in the papers, I do believe almost everything I see in the papers as emanating from the White House, because it must be said to the credit of the gentlemen who represent the newspapers in the Executive offices that they seldom make a mistake in their report of what transpires there—and if it be true that we are to have an extraordinary session, I think these supply bills ought to be the work of the people's Representatives last elected

rather than the work of those who have been rejected at the polls.

But I waive that. That is, I have waived it up to this time. Exactly how long I will continue to waive it is an open question in my mind.

But when a Senator stands here and tells the Senate and tells the country that this project for a permanent tariff board—one of the administration's measures, one of the devices by which Congress will be advised exactly how much protection shall be measured out to these various industries—must pass now or it can not pass at all, I remind him that that is an open confession that he is seeking to escape the latest judgment of the people; and if it can not pass in the next Congress, to my mind, sir, that is all the reason more why it ought not to pass in this Congress. I would resist it the more stubbornly because of the fact that they are trying to enact it into a law now under a knowledge that it is now or never with that proposition.

But, Mr. President, beyond all that, upon the question of the election of a Senator we act as judges, and I would as soon, if I had the honor to sit in connection with other judges, attempt to delay the judgment of a court as to attempt to delay the judgment of the Senate on a matter upon which it must act as judge.

I have witnessed some remarkable spectacles here in the debate and consideration of this case. I have seen honorable Senators, after the testimony was closed, after the witnesses were sworn, send out and obtain ex parte affidavits and bring them here and present them to the Senate. What would you think, sir, if a judge, after the testimony had closed in his court and after the attorneys had made their arguments, would step down from the bench and go about among the people asking for ex parte affidavits upon which he would base his judgment? Yet I have seen that remarkable spectacle in the Senate of the United States.

Mr. HALE. Let me appeal to the Senator from Texas——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Maine?

Mr. HALE. I have the floor on the motion for a recess.

The VICE PRESIDENT. The Senator is correct.

Mr. BAILEY. I had forgotten that, and I tender the Senator my apology.

Mr. HALE. I hope the Senator from Texas will not open all of the questions that will give rise to controversy and answer while my motion to take a recess until 8 o'clock is pending.

Mr. BAILEY. Will the Senator from Maine withhold that until the Chair can submit——

The VICE PRESIDENT. One moment. Of course, nobody can speak while that motion is pending. The Chair understood the Senator from Maine to withhold it.

Mr. HALE. No; I did not.

Mr. BAILEY. I thought you withheld it.

The VICE PRESIDENT. The Chair so understood.

Mr. BAILEY. I thought the Senator withheld it that I might prefer a request for unanimous consent.

The VICE PRESIDENT. The Chair so understood. But if the Senator from Maine makes his motion and insists upon a vote, the Chair must submit it.

Mr. BAILEY. I will ask the Senator from Maine to withhold it until I submit a request that the Senate vote on it next Thursday at 2 o'clock.

Mr. HALE. Unless some Senator is prepared at once to object——

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent for a vote on this question at 2 o'clock Friday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent to vote on this question at 10 o'clock Saturday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then it is evident we are not to have a vote on it unless we have upon a test of endurance; and I hope the Senate will not take a recess.

Mr. HALE. I want to say, about the matter of the recess, that it is simply a question of the convenience of the Senate. If we do not take a recess, we will run along until 7 or perhaps 8 o'clock and have nobody here, and we will do nothing.

Mr. BAILEY. And if we do take a recess we will not have a quorum when we reassemble.

Mr. HALE. If we do not have a quorum, we will not do any business.

Several SENATORS. Question!

Mr. HALE. I will submit the motion, at any rate, that the Senate take a recess until 8 o'clock.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the Senate take a recess until 8 o'clock. [Putting the question.] The "noes" appear to have it.

Mr. HALE. Let us have a division.

There were, on a division—ayes 22, noes 39.

So the Senate refused to take a recess.

RECIPROCITY WITH CANADA.

Mr. SMITH of South Carolina. I gave notice that I would proceed immediately after the close of the speech of the Senator from Georgia [Mr. BACON] to discuss the question of reciprocity, but as some Senators wish to discuss the same subject discussed by the Senator from Georgia, and as the vote comes to-morrow morning immediately after the reading of the Journal, I will await another occasion. I give notice now that immediately after the speech of the Senator from North Dakota [Mr. GRONNA] I will address the Senate on the subject of reciprocity.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 32, 33, 200, 201, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 103, 104, 105, 106, 107, 108, 109, 202, and 205, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,820"; and the Senate agree to the same.

On amendments numbered 99, 100, 101, and 102 the committee of conference have been unable to agree.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

F. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. PERCY. Mr. President, in speaking on the joint resolution providing for the election of Senators by the people, with the so-called Sutherland amendment, I have no expectation of contributing anything to the able and exhaustive discussion of that subject which we have just heard from the Senator from Georgia [Mr. BACON]. And yet I desire to present briefly and somewhat informally the reasons why, although supporting the joint resolution as it was reported from the committee, I am unable to support it in its present shape.

I accept as an absolutely correct statement of the law the proposition laid down by the Senator from Georgia and acquiesced in on the floor the other day by the Senator from Minnesota [Mr. NELSON], namely, that under the Sutherland amendment Congress would have the same power in regard to the regulation and supervision and control of the election of United States Senators that it has to-day in regard to the election of Members of the House of Representatives, and that that power embraces, if Congress sees fit to exercise it, the appointment of Federal registrars to register the voters entitled to vote at such

elections, the appointment of Federal judges and Federal supervisors to conduct such elections, the appointment of United States marshals and deputy marshals to carry out the directions of such supervisors and judges; the support, if need be, of the Army of the United States to aid in carrying out the orders and directions of such judges and supervisors; and, finally, the appointment of a canvassing board to ascertain who has been elected at such election and to certify the result to the United States Senate, such Senator to present as his credentials to the United States Senate the certificate of his election from the canvassing board instead of his commission from the governor of his State.

That power exists under no provision of the Constitution as that Constitution stands to-day. It does not exist under section 4 of Article I of that Constitution, giving to Congress the power to make and alter the regulations for the election of Members of the Senate, because that power, as the Constitution stands to-day, only comes into play after the organization of the legislature which elects a Senator. It does not go to the polling place. It has no control over the election of members of the legislature.

It has been suggested, however, that possibly this power exists under the second section of amendment 15 to the Constitution, which provides that Congress may by appropriate legislation enforce the fifteenth amendment, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I deny that under that provision any such power as is here contemplated does exist. No warrant for it is found in any decision of the United States court construing the fifteenth amendment. No suggestion of the existence of such a power can be found in any decision of the Supreme Court of the United States passing on the fifteenth amendment.

More than that, in all of the long, bitter, exhaustive, and able debates of this body at the time when it was proposed to enact the "force law" in 1890, and again in 1894, when the Federal supervision laws were repealed, in debates where the constitutionality of those laws was seriously questioned and discussed, the suggestion was never made, no Senator ever contended here, that the power to regulate Federal elections arose by virtue of any other provision than the power to make and alter the regulations of the State. No one suggested that under the fifteenth amendment the power existed in Congress to take charge and control of the machinery of the election of Members of the House of Representatives.

There can be no question, Mr. President, that the power under the fifteenth amendment is a power directed against the States—against State action—that so far as it ever affects individuals it is a corrective power, simply a power to enact corrective legislation. There is no power to enact general legislation to take charge and control of the machinery of the election. If that were true, there would be a similar power under the fourteenth amendment, which provides that no State can deprive one of life, liberty, or property without due process of law. Congress can enact corrective legislation under the fourteenth amendment, but it has never been contended that Congress, where there was a denial by the State of due process of law, could enact general legislation which would enable it to take charge of and administer the laws so that there should be no deprivation of life, liberty, and property without due process of law.

I take it that the correct rule as to the fourteenth amendment and the power of Congress under it, which applies equally to the fifteenth amendment, is found in this statement of the Supreme Court of the United States in James against Bowman, One hundred and ninetieth United States, quoting with approval the civil-rights case:

> And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

It is the same limitation that obtains in regard to the powers of Congress under the fifteenth amendment. If that were not true, if Congress has, under the power to pass appropriate legislation to enforce the fifteenth amendment, the power to take charge of the machinery of elections, it would be a much broader power than that conferred by the Sutherland amendment, because the power would not be to protect the person elected because he was a member of the Federal Government, not to protect him because he was a Senator, not to guard the election because it was the election of a Member of the House, but it would be to protect the party offering to cast his vote from a denial of that right, and therefore that power would extend not only to the election of Federal officers, not only to the election of Senators and Members of the House of Representatives, but it would invade the sovereignty of the State and could control every election, whether it be municipal, district, county, or State; it could strip the State of every vestige of sovereignty and control the elections for governor as easily as it could the elections for United States Senator.

Such a proposition is monstrous and preposterous. It finds no warrant in any decision of the courts of this country. So we are faced with the naked proposition that if this power is to be given by the Sutherland amendment, it is a power which never existed before under the Constitution of the United States since the creation of the Government. This is a truth which can neither be disguised nor successfully controverted.

Is it a power that we are willing to extend to the Federal Government? While the people of my State desire that there shall be an election of Senators by the people, they have that mode of election in their own State to-day under the primary elections system, and they are unwilling, in order to give that privilege to States that do not care for it, to extend the power of the Federal Government in the control of elections beyond what that power has ever been under the Constitution as it has existed up to this day.

I do not regard this as a sectional question. It interests every section of this Union. Yet, unquestionably, it is true that because of the peculiar conditions in the South, it concerns us more vitally than it does any other section of the Union. I do not consider that the race question is one that concerns the South alone or that we alone are entitled to deal with it. It concerns the welfare and the happiness and the protection under the flag of this country of 9,000,000 citizens of the country; but in other sections of the country it is regarded as a matter which affects the negro alone, while to the South it not only affects the millions of negroes there, but the millions of white people likewise who are residing there; and therefore it is a matter of more vital concern to them than it is to any other section of the country.

If I interpreted aright the expressions which fell from the lips of Senators during this debate in regard to the exercise of the power of the Federal Government over elections, they meant that as long as the South handles this question in a manner satisfactory to the Congress of the United States there shall be no interference with the southern people in the handling of it; but whenever, in the opinion of Congress, that question is not being handled there fairly and justly toward the negro, Congress reserves to itself the power to interfere.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. PERCY. I do.

Mr. CARTER. I assume that the continuance of that power is the particular part of this proposal which the Senator objects to. In the course of some observations recently made I contended, and I believe the position of the Senator from Mississippi as stated agrees with the contention, that legislation, with reference to elections and the franchise, if based upon authority given in the fifteenth amendment, would be merely corrective, applicable only to the States; whereas under the first part of section 4, Article I, to which the Sutherland amendment was directed, the right is given the Federal Government by appropriate congressional action in execution of the law to go into the respective States where, in the judgment of Congress, the Federal power should interfere to appoint, if need be, registry agents, judges, and clerks of election for the purpose of insuring, through the prescribing of the election machinery and the conduct of the election itself, such regard for the rights

of persons under the fifteenth amendment as the Congress might think proper to prescribe and enforce.

Now, I understand the Senator to mean that if the joint resolution is passed as it now stands, with the Sutherland amendment adopted, the Federal Government will have that power as to a senatorial election precisely as it has the power with reference to a congressional election, save and except as to the fixing of the place of the election. Is that the part to which the Senator objects?

Mr. PERCY. Unquestionably. I adopt the Senator's construction, and I object to the extension of the very power the Senator from Montana has enumerated to the control of the election for Senators. There is no controversy about our respective positions, as stated by the Senator from Montana. There is no controversy between us as to the legal effect of the Sutherland amendment. I believe I state the position of the Senators who have spoken on the question correctly when I state that their attitude is that, while sympathizing with the South in the handling of this race problem, Congress was willing, as long as the South handled it in such a way as commended itself to the approval of Congress, to leave the handling of it to the South, but that when the South failed to handle it in such a manner as Congress thought it should be handled Congress reserved the right to control the Federal elections as to Members of the House, a power which it now has, and Congress, under the Sutherland amendment, desired to extend that control to the election of United States Senators.

Mr. CARTER. Mr. President, if the Senator will permit me, undoubtedly the power of Congress to control elections authorized in the first part of the fourth section of the first article of the Constitution would follow to the polls precisely as it is exercised now with reference to legislatures. I am free to say to the Senator that I would not have voted for the joint resolution if the Sutherland amendment had not been adopted for the very reason that, according to my views, the right of the Government to control and regulate the election of Senators and Representatives in Congress should not be surrendered, and that position is taken with reference to the North as well as the South.

Mr. PERCY. Mr. President, my reply to the contention that Congress should have the power to intervene in Federal elections whenever Congress sees fit to do so, and that that power, if Senators are to be elected by the people, should be extended to the election of Senators, is this: That there will never come the day, however bad conditions there may seem, when Congress can intervene and use that power in the South, except disastrously to the welfare and the prosperity of the South and to the detriment and injury of both the black and the white man there; and believing that way, I would say that whenever Congress, either by reason of the exigency of some political demand or because it is the misguided victim of a maudlin philanthropy, seeks to intervene by control of Federal elections in the South, I want to restrain the field of its pernicious activity to as small an area as possible, to the area to which it is restricted to-day and has ever been restricted by the Constitution of the United States; and never by my vote will I extend the power of Congress to control Federal elections beyond the power as it exists to-day under the Constitution as it stands. And that, Mr. President, although the laws regulating suffrage in the South are valid and constitutional, so declared by the Supreme Court of the United States, and although those laws are administered in fairness, in justice, and in honesty by the officers charged with the administration of them.

Mr. President, it is difficult almost to realize the difference in conditions in the South on this question and elsewhere. There are to-day in the United States, according to the census of 1900—I have not the one of 1910—in round numbers 9,000,000 Negroes. Of that number 90 per cent reside in the Southern States. In the States of Alabama, Mississippi, and Georgia 31 per cent of the total negro population resides. Only seven-tenths of 1 per cent reside in the New England States. I will just read a paragraph from probably the ablest authority who has written on the race question, "Studies of the American race problem," by Alfred Holt Stone, to give some idea of the preponderance of that population:

> There are more negroes in Mississippi than in Cape Colony or Natal, even with the great territory of Zululand annexed to the latter; more than in the Transvaal, and not far from as many as in both the Boer colonies combined; more than in Jamaica and Barbados combined; more than in Trinidad and all the remaining English islands combined, excluding those just named; more than in Cuba and Porto Rico combined; more than in either Haiti or Santo Domingo.

In the county of Washington, in which I live, there are 5,000 white people and 44,000 negroes. There are more negroes in that county than there are in 18 States combined that can be named in the United States, more than there are in any one of 28 States which can be named. The Senator from New York [Mr. DEPEW] in his address the other day made a misstatement as to the negro population of New York State, which I first thought was simply a typographical error. He stated there were 300,000 negro voters in New York City. The last census shows that there were less than a hundred thousand negroes in New York State all told.

So, Mr. President, with this enormous negro population, the framers of the constitution of 1890 in Mississippi met to frame a constitution under which a white man's government could be maintained, to establish a white man's government under and not in conflict with the Constitution of the United States.

Never did a more difficult task confront the people of our race, and rarely ever was such a task dealt with by men of more distinguished ability and sincere patriotism.

The present constitution was the result of that convention. There was no concealment about the object sought to be attained. It was to obstruct the exercise of negro suffrage to the point where it would not be a menace to the government. That object was avowed. Say, by the supreme court of Mississippi in the following significant language quoted by the Supreme Court of the United States in the Williams case: The supreme court of the State of Mississippi, in Ratcliffe *v.* Beale (26 Sou., 865), said:

> Within the field of permissible action under the limitations imposed by the Federal Constitution the convention swept the field of expedience to obstruct the exercise of suffrage by the negro race.

Again—

> Restrained by the Federal Constitution from discriminating against the negro race, the convention discriminates against its characteristics and the offenses to which its members are prone.

Says the Supreme Court of the United States:

> But nothing tangible can be deduced from this. If weakness were to be taken advantage of, it was to be done within the field of permissible action under the limitations imposed by the Federal Constitution, and the means of it were the alleged characteristics of the negro race, not the administration of the law by officers of the State. Besides, the operation of the constitution and laws is not limited by their language or effects to one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime.

That was the idea of the convention. It was understood by the Supreme Court, and it was understood by the humblest citizen in the land. The Senator from New York [Mr. DEPEW], in his speech the other day related an anecdote more amusing than instructive, of a negro preacher, the graduate of a college, who sought to register in Mississippi, but having read the constitution failed to interpret it to the satisfaction of the registrar. Such an incident could never have occurred, because when the constitution is read, no interpretation of it is required; but this incident would illustrate just as well as the one given by the Senator from New York the point which he had in view. An ignorant negro presented himself to register and said to the registrar: "I can neither read nor write, but I want to be tried on the understanding clause." The officer, turning over the constitution to find some clause to question him on, said: "Bill, what are constitutions made for anyway?" The answer, cheerful and immediate, was: "Why, boss, they's made to keep negroes from voting." [Laughter.] That was the understanding of the object of this convention and the object of this constitution both by the learned and by the unlettered and humble.

By what provisions, however, was that object sought to be accomplished? By expedients which seemed simple almost to the point of childishness; but they were directed by those who understood the negro character to the racial characteristics of that race. There is no grandfather clause in the Mississippi constitution; there is nothing difficult of construction in the language of that constitution. The provisions which are relied upon, and which have proven most effective, are, first, that the party seeking to vote shall register, and the registration closes four months prior to the election; that in order to register he must be able to either read the constitution or to interpret it when read to him; and third, that he must pay the taxes in the year in which he offers to vote on or before the 1st day of February in that year for the preceding two years. Those are almost the sole requisites necessitated by the Mississippi constitution, and yet under those provisions, administered fairly and honestly, there has been an almost absolute elimination of the negro vote.

You have heard much of the interpretation clause. There have not been, since the constitution of 1890, 100 men in the State of Mississippi disqualified from registering because of failure to understand the constitution. These simple provisions have proven absolutely effective.

The voter is required to register, and the opportunity is given him. He is required to pay his taxes, and the oppor-

tunity is given him to pay them. He is required to either read or to understand the constitution, and public schools dot the entire land, open to both races separately.

To the aid of these constitutional provisions has come the primary election system. Nominations are made by primary elections, and the same qualifications are applied to primary elections as are applied to general elections. In the Democratic primary only white men are allowed to participate. The result is that the white vote is cast for the nominee of the Democratic primary and that owing to the small number of negroes who have qualified themselves as electors they hold no primary, make no nomination, and cast no vote. The provisions of the constitution disfranchise 80 per cent of the negro race and the other 20 per cent do not hold a primary election because they are in a hopeless minority. They have not that earnest wish, that stern resolve, to exercise the right of suffrage which characterizes our race. They have to be stimulated by the immediate hope of victory or they have to be aroused by the appeal of the white man before they take any interest in exercising the right of suffrage. The negro has never sought to exercise the right of suffrage except where the white man has appealed to his passion or to his cupidity.

The same law which disqualifies 80 per cent of the negroes disqualifies nearly 20 per cent of the white men of Mississippi. I have in my pocket now a decision rendered within the past week by the attorney general of Mississippi construing the suffrage provisions of the constitution and the laws passed thereunder and construing them in regard to the primary election to be held by the white people of Mississippi. Those provisions disqualify nearly 20 per cent, about 20,000 white men, in Mississippi from participating in the election. That is one of the costs that we pay in order to disfranchise a large proportion of the negroes.

There is another and a greater cost paid by the white men of Mississippi for the right of a white man's government there, and that is that all political discussion of the issues of the day which would tend to split the white men of the State is eliminated. However great may be the differences of opinion, however intense may be the partisan feeling, all that is subordinated to a solid white vote; however great may be the ambition that prompts men to struggle for influence, place, and position, that must be smothered in order that the white vote shall remain intact. Is that no price for men of our race to pay in order to control their government? It shows that the danger is great and overshadowing that would drive the Anglo-Saxon people, with their aggressive individuality, with their proneness to struggle for power and leadership, into solid ranks where all differences are buried.

No higher proof could be given of the intelligence, the patriotism, the capacity for government of the white men of Mississippi than their course in handling this problem. The intelligence with which they grasped the full significance of the danger confronting them, the dauntless courage and the wisdom with which they grappled with the difficulties of the situation, the constitution which they framed—the model followed by nearly every other Southern State—the self-sacrificing patriotism they have evinced in making the provisions of that constitution effective, all bear witness to the possession of those high qualities of statesmanship and leadership which have made the Anglo-Saxon people the conquering race of the world.

Under this constitution, administered by the State officers without discrimination, administered in honesty and in justice, there has been unparalleled prosperity for both races; there has been an era of good feeling and an absence of friction; the white man controls the government and the black man acquiesces in that control. That condition is liable to be disturbed in one of two ways—by the demagogue at home or by interference from abroad.

The demagogue at home addresses himself to whatever will forward his own political ambition. He preaches the repeal of the fifteenth amendment as being the dominant issue of the South, overshadowing everything else, and, in seeking to arouse interest in that behalf, he appeals to race passion and race hatred, and creates bitterness and discord between the races; and with equal ability, earnestness, and plausibility he would advocate the extermination of the inferior race if he thought such advocacy a surer road to political preferment. With him the conservative, intelligent people in the various Southern States can be left to deal, knowing that in the final outcome they will control their government and control it with firmness, yet in justice and in kindness to the inferior race. But that condition at last depends upon the solidarity of the white race and upon the patriotism of the white man. If into that delicately adjusted condition we project an intervention by a hostile power—because whenever the intervention comes it comes as a hostile intervention; it comes because Congress believes that the white men in the South are unable to control and direct their own government, and because Congress believes that the rights of the black man have been disregarded by the dominant power in the South—so it comes as a hostile power, and, coming in that way, it operates to arouse anger and antagonism among the white people, and it operates as an appeal and an invitation to the black people of the South. It is saying to them "your rights have been disregarded heretofore and trampled upon, but now we are going to control these elections. Go register and vote with the guaranty that your votes will be counted." It furnishes an incentive—yes, a command—for them to exercise that power in regard to which they are absolutely indifferent, and it furnishes the golden opportunity for race agitators of both races to come in and appeal to the lawless element of each race. Such intervention by the Federal Government would say to the white people, "from your hands has been wrested the control of your own elections. Your own Government holds you to be incapable of self-government, unfit to administer your own laws, and proposes, by its officers, to take charge of your elections and by military force, if need be, give to the negro the right to vote, even if such right results in placing him in control of your government." Thus you would arouse race passion and race feeling to the point where the conservative, the intelligent, Christian, and God-fearing white people of the South would no longer be able to control and administer their own laws.

After that era of intervention should have passed away, an era bound to be marked by the paralysis of prosperity and a chaotic condition of government, there would remain, it is true, the white man's government intact because of the indomitable courage and because of the virus of dominion in the blood of the white man; but there would also remain two races estranged and embittered toward each other, and the control of the affairs of the South would have been by this ill-timed, ill-advised, unwise, and vicious intervention wrested from the hands of the conservative people of the South.

While Congress in the exercise of such power could, if it saw fit, give an opportunity for the exercise of the right of suffrage by the negro, it has no power to protect him in his life, liberty, property, and pursuit of happiness. If that intervention came as the result of an appeal from the black race, when the intervention ceased the black men would find that they had in fact bartered their birthright for a mess of pottage; that they had, in order to secure the right of suffrage, robbed the intelligent white men of the South of the ability to protect them in their property, in their lives, and in the pursuit of happiness by them.

So, Mr. President, I am unwilling to vote for the joint resolution with the vital, substantive extension of power to the Federal Government carried in it. I am unwilling further, if the proposition to intervene by the Federal Government should ever arise, to make the chances of intervention greater by making the stake played for greater, by giving the right to intervene, not only as to Members of Congress, but as to Members of the United States Senate. It would be an additional argument, an additional incentive, if that intervention were prompted by political motive for the intervention itself. In my opinion, to extend this power would be unwise from the standpoint of any section of the country; to extend the power so as to regulate senatorial elections from the standpoint of the South would be one of those blunders so egregious as to constitute a crime.

It is suggested, why not vote for the resolution and leave it to the legislatures of the States as to whether they will ratify it?

Mr. President, if the ratification was to be submitted to the Legislature of the State of Mississippi, I would unhesitatingly pursue this course, but however strongly opposed to the ratification of the resolution in its present form the Legislature of Mississippi might be, the legislatures of 12 other States would have to stand with her in order to defeat the resolution. Deeply sensible as I am of the great danger to the South in the adoption of the resolution, I will cheerfully submit the question to the wisdom of my own legislature, but I am unwilling to submit to the legislatures of 47 other States, in no one of which the danger to be guarded against is as great as it is in Mississippi, the determination of a question so fraught with danger to the people of Mississippi.

Mr. JONES obtained the floor.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I understand the Senator from Arkansas desires two or three minutes. I am perfectly willing to yield to him.

Mr. DAVIS. Mr. President, it is not my purpose to discuss the pending joint resolution. I had the honor to do that on the 30th of January, but I rise for the purpose of explaining my

attitude on the matter since the adoption of the Sutherland amendment, and I will avail myself of the few moments given so kindly by the Senator from Washington having yielded the floor to me.

I have stated, Mr. President, to some of my colleagues, and also in the Democratic caucus, that if the so-called Sutherland amendment were adopted as a part of the joint resolution, I would not support the joint resolution. I feared at that time, and I fear now, that the adoption of that amendment has cut the very life out of the original proposition.

But, sir, I am willing to trust the legislature of my State and the legislatures of the various States that are to be called upon to adopt this resolution should it finally pass. I believe in their wisdom, and I shall trust their judgment. Knowing that my people are very anxious that the people of the country should have the right to elect their Senators by the direct vote, I shall yield my fears along this line to their better judgment and leave it to them for their final decision, and shall vote for the joint resolution even with the Sutherland amendment attached.

Mr. JONES. Mr. President, I do not intend to discuss the legal phases of this proposition that have been raised and that have largely occupied the time of the Senate in the debate on this joint resolution. I simply want to present a few of the reasons why I am in favor of the adoption of this resolution as amended. For a great many years I have been in favor of the election of Senators by the direct vote of the people, and in the Fifty-sixth Congress, while a Member of the House of Representatives, I voted for a resolution similar to this one, and also in subsequent Congresses I voted for a resolution of the same character. The resolution which has been presented here and which was submitted to the Senate by the Judiciary Committee provided that in lieu of the first paragraph of section 3, Article I, of the Constitution, as it now stands, and which reads as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

And in lieu of so much of paragraph 2 as relates to filling vacancies which reads as follows:

And if vacancies happen by resignation or otherwise during the recess of the legislature of any State the executive thereof may make temporary appointments until the next meeting of the legislature which shall then fill such vacancies.

And in lieu of all of paragraph 1 of section 4, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The following be submitted:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it was reported from the committee.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. Certainly.

Mr. BRISTOW. I suggest the absence of a quorum.

Mr. JONES. I did not really yield for that purpose, but I do not understand that I have any right to say with reference to that. Personally, I would prefer to go on.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Bacon	Clark, Wyo.	Heyburn	Root
Bailey	Clarke, Ark.	Johnston	Shively
Bankhead	Crane	Jones	Simmons
Bourne	Crawford	Kean	Smith, Md.
Bradley	Cummins	Lorimer	Smoot
Brandegee	Curtis	McCumber	Stephenson
Briggs	Davis	Martin	Stone
Bristow	Depew	Nixon	Swanson
Brown	Dick	Oliver	Thornton
Bulkeley	Dillingham	Owen	Warner
Burnham	Dixon	Page	Watson
Burrows	Flint	Paynter	Wetmore
Burton	Foster	Penrose	Young
Carter	Gallinger	Percy	
Chamberlain	Gamble	Perkins	
Clapp	Guggenheim	Piles	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Under the Constitution as it is now Senators are elected by the legislature. This the people desire to change, and this resolution proposes an amendment under which they shall be elected by the people. This is one simple and distinct proposition.

The Constitution also provides now that the times, places, and manner of electing Senators are to be prescribed by the State legislatures, but the right and power is reserved to Congress to make and alter such regulations.

Under the proposed amendment, as reported by the Committee on the Judiciary, this power of Congress was taken away and the same was given entirely and exclusively to the State legislatures by the following provision:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

This is another distinct proposition. This provision the Senator from Utah [Mr. SUTHERLAND] moved to strike out. This motion has been agreed to by the Senate, this provision has been eliminated and the resolution now reads as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it will be voted upon by the Senate. It contains but one simple, distinct proposition, and that is the proposition to elect Senators by direct vote of the people.

I consider it very unfortunate that it was deemed necessary to report the two distinct propositions to the Senate, because it has led to a controversy here that should not have arisen.

The people of the country have long been asking for the one simple proposition to elect Senators by a direct vote. It is not fair to the people to grant their petition coupled with another proposition that they have not considered, one over which a great deal of controversy may arise, and has arisen already in this body; and if it arises here, it would certainly arise in the legislatures of the various States. It is not fair to say to the people that in order to secure what they desire, what they have asked for, what they have petitioned for, they must take something that they have not asked for, that they have not sought, and to which possibly they may very seriously object. So we have stricken out the second proposition, and it will be wise, reasonable, and patriotic for all of us who honestly believe in the election of Senators by direct vote of the people to accept this resolution, vote for it, and submit this specific proposition to the people of the country, or, rather, to the legislatures of the various States, for their adoption or rejection.

Those who object to the election of Senators by the people will then be compelled to oppose it upon its merits, and instead of our placing a club in their hands by which they can defeat it in the various legislatures they will have to stand before those legislatures and discuss it upon its merits. The issue will be plain and clear cut.

This debate has proceeded much as if we were to determine the merits of the proposition here. We are not. The only question for us to decide is whether or not we shall give the people, through their legislatures, the opportunity to say whether this change in the Constitution should be made.

It is well, of course, for us to discuss here the merits of the election of Senators by direct vote of the people, and yet, that, to my mind, so far as this body is concerned, is not the real question. The question is whether we will submit this proposed amendment to the legislatures, and let it be discussed upon its merits. And it seems to me that it would be the proper course for those who are opposed to the election of Senators by the people, who think that it would be unwise to adopt the amendment, to go to the State legislatures and say to them: "We have been willing to submit this proposition to you. We do not believe in it. We do not believe you should adopt it." And then point out to the legislatures the reasons why it should not be adopted.

I have confidence in the intelligence of our legislatures. I have confidence in their patriotism and their desire to amend the Constitution of the United States only in such ways as will be for the best interests of the people of this country, and I believe that they can be safely trusted to pass upon this proposition. They can be safely trusted to weigh the objections,

if there are any, that may be made and to reach a wise conclusion thereon.

Mr. President, in my judgment, it is our duty to submit this amendment. We are untrue to the people and the States we represent if we do not. Who are we that we should deny their repeated requests? Are we their masters or their servants? Are we their rulers or their representatives? Again and again they have asked the privilege of passing on this question. Year after year they have besought us to submit this amendment. They have done it by letters, petitions, and conventions. The Democratic Party has declared for it in its national platform, and the candidate for President on the Republican ticket declared for it in the last campaign. The House of Representatives, chosen directly by the people and representing their will, has time and again sent its petition to this body in the shape of resolutions passed by overwhelming votes. Away back in 1892 they passed one. Then in the Fifty-third Congress, by a vote of 141 to 50, they passed this resolution; then in the Fifty-fifth Congress, by a vote of 185 to 11, they passed this resolution and sent it to this body, respectfully requesting us to submit it to the legislatures of the States; and in the Fifty-sixth Congress, by a vote of 242 to 15.

Some claim that we are not accountable to the people; that we are the agents of the legislature as representing the States. Very well. Legislature after legislature has petitioned us to submit this amendment. We have refused. We have defied not only the petitions of the people, but we have defied the commands of our sovereign States. We have denied our very creators. Is it any wonder that the people are beginning to wonder, "Upon what meat doth this our Cæsar feed that he is grown so great?" It is said that 37 State legislatures, the creators of 74 members of this body, have asked by solemn memorial, in one form or another, its representatives to submit this amendment. It has never yet even reached a vote in this body. This is arrogance gone mad. We profess great regard for the State legislatures, and yet the only attention or respect we pay to their memorials is to ask that they be printed in the RECORD. We have no right to refuse the demand of the people; we have no right to refuse the demands of the legislatures in this matter, a matter which touches their capacity and intelligence. I have some pride of opinion. I am willing to assume responsibiliy for action here. I am willing to assume that I am better able to decide upon legislation proposed here than the people whom I represent, because of information not available to them and because of my better knowledge of the situation here, but I do not believe I have the right, whatever may be my personal views, to deny a request of my people, expressed by conventions and through legally constituted legislatures. When I do that I assume the position of master and despot instead of servant and representative.

Mr. President, this Senate, in refusing to submit this question, is defying the people and the States, and the longer we deny their petitions the stronger will grow their determination to have this change made in the Constitution. We best feed the flames of their desire by repeated denials, and give color to the claim that we are the bulwark of the "interests" and the enemy of the people's rights and weal. We may refuse their petition again, but the time is coming and right soon when their will can no longer be resisted. Senator Hoar was right when he said, in that powerful argument he made against this proposition, which has been the basis for all the argument made against it in this debate:

> But whenever the American people has made up its mind, when its judgment is formed, when its will is determined, that will is sure to be carried into effect. Whether through Senates or over Senates, through courts or over courts, through Presidents or over Presidents, through Constitutions or over Constitutions, the irresistible current will make its way.

The Senator from New York [Mr. ROOT] says there "is not a very active or violent feeling for this change." This same view was expressed more than 14 years ago by Senator Chandler in this body. He said, in replying to an able argument by the honored senior Senator from California in favor of direct election of Senators:

> I do not, myself, believe with the Senator from California, that the desire for the proposed change is strengthening in the minds of the people of the country. On the contrary, I believe it is a craze, a Populistic notion, which has not really taken hold of the members of either of the two great political parties, but is only a hobby or a fad of the Populistic Party, which, if it is not adopted within a few years, will never be heard of again.

He was mistaken. The Populistic Party has passed away, but this "fad" or "craze" is stronger than ever, and, judging from the rather radical utterances that I see in the press from this honorable gentleman now, I am rather inclined to think that he has been inoculated with this craze or this "Populistic fad" that he thought was likely to pass away very soon.

The declarations of conventions, the announcements of candidates for high offices, and the solemn memorials passed by State legislatures all refute the contention of the Senator from New York that there is not an "active" demand for this change. And let me suggest to those who are opposed to this demand, the sooner you grant it the easier it will be for you to defeat it with the people. If this question had been submitted years ago it would probably have been defeated. We want that which is denied us either as individuals or as a people, and if you would preserve the Constitution as it is, submit this to the people and go before them and tell them they are not capable of choosing their agents directly; tell them that they lack the intelligence and stability to be trusted with the choosing of the members of this body; and show them that by adopting the amendment our constitutional government will be destroyed and the equality of the States threatened. Our people are intelligent, they revere the traditions of the Fathers, they prize our Constitution and are jealous of its perfection. They will weigh your arguments, they will consider the dangers pointed out and the effects to be feared, and if you are right they will sustain you by electing legislatures that will reject the amendment. But if you refuse you exhibit your distrust of the people and want of confidence in the legislatures.

They say this proposition creates a distrust of representative government. The persistent denial of the petitions of the people has already created in their minds a distrust in their representatives, and to continue this denial will intensify this distrust.

They say we would rob the legislatures of power, dignity, and consequence, and yet we mock their power, insult their dignity, and minimize their consequence by habitually spurning their memorials, and discredit and insult them by denying their petitions.

Mr. President, the Senator from New York is concerned about the stability and conservatism of the Senate. So am I. It has been a stable and conservative body and yet safely responsible to the people's needs. Its stability and conservatism does not depend upon the manner of electing its members. These come from its small numbers, its secure tenure, its great responsibilities, and varied duties. Election by the people would not shorten its tenure, would not make more single its power, would not deprive it of any of its legislative, executive, or judicial functions, would not deprive it of any of its control over the raising and expenditure of revenue by lessening its power of amendment, would not deprive it of its appointive power resulting from the necessity of its confirmation, would not lessen its control over foreign affairs because it does not take away its consent to the ratification of treaties, would not lessen its power in impeachment trials; and the same inducements that have caused the Senate of the United States to perform "its duty loyally, faithfully, and competently, and has furnished to the history of its country a line of illustrious names and a record of great achievement which furnish one of the most convincing proofs the world has yet had that popular government through representative institutions is a possibility among men" will continue to impel the representatives of the people's will to show themselves worthy of the traditions of the past and of the people who may honor them by selecting them to continue to discharge the high duties of this great office with an eye single to the people's good and the glory of their great country.

It is said that this will interfere with one of the great compromises of the Constitution, and we are warned not to put the great industrial communities in an attitude where they can say that the honorable compromise of the Constitution has been taken away and that they should be allowed a greater representation in this body than the smaller States. I do not believe this fear is well founded. I can find nothing in the proceedings of the Constitutional Convention indicating that the manner of choosing the Senators was anything more than a mere difference of opinion and did not go to the fundamentals. No State threatened to remain out of the Union because this or that method was used in selecting Senators. Representation in this body by two Senators from each State, large and small, was a fundamental compromise without which it is probable, yea certain, that the Union would not have been perfected. This it is not proposed to interfere with in any way. This provision was adopted in the convention as a separate and distinct proposition and independent of the provision as to manner of election. It was no more a part of the compromise than the length of term. The Constitution itself clearly indicates what the compromise was when it expressly provides "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This means equal representation in the Senate, and if the manner of

selecting that suffrage had been in mind the framers of that immortal document would have left nothing in such an important matter to intendment.

We are told that to make this change would reflect upon the makers of the Constitution. They were not perfect. They did not consider their work perfect. This provision was not their unanimous wisdom. The master minds of that convention—Madison, Hamilton, and Wilson—were even then in favor of the election of Senators by the people and of building our Government upon the broad base of the people rather than on the props of the legislatures. It was adopted by force of numbers rather than by the judgment of master intellects. At any rate, they did not disregard public opinion in determining the method to be adopted. It was, as Hamilton or Madison said, "probably the most congenial with public opinion."

In other words, the men who framed the Constitution were governed and influenced by the state of public opinion at that time in determining how the Senators should be elected.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. I wish to ask a question for information. The statement of the Senator is very interesting. I understood the Senator from Washington to say that Madison was in favor of the election of Senators by popular vote.

Mr. JONES. I so infer from the proceedings of the convention. He probably did not declare distinctly for it, but in the argument submitted by him then and subsequently he indicated very clearly that he preferred that method of election.

The reasons for its adoption then would hardly appeal to us now or be "congenial with public opinion." I do not find many of the arguments for this method advanced now that were advanced then. The Senator from New York [Mr. ROOT] does not say that "the people should have as little to do as may be about the Government." The Senator from Massachusetts [Mr. LODGE] does not insist that "the Senate should bear as strong a likeness to the British House of Lords as possible." The Senator from New York [Mr. DEPEW] does not dare to advocate this method, "because it would be most likely to provide some check in favor of commercial interests against the landed." No one says that our evils "flow from the excess of democracy." No one advocates this method, because "the commercial and moneyed interests would be more secure," or because "the people are for paper money and the legislatures are against it," and yet these seemed to be the controlling reasons in selecting this method. We do not discredit the fathers when we say these reasons do not apply now; the conditions existing then are not the same as now. We do them honor by showing our advancement in wealth, commerce, education, art, science, and not the least in our improvement in government. The method adopted served its purpose, but conditions now warrant the conclusion that the master minds of that convention were right.

Mr. President, why do the people desire this change? Not because corrupt men have often been elected to this body, not because men lacking in ability have been placed here. The most illustrious in our Nation's annals have dignified and exalted this body. It has not failed to meet the expectations of the founders of the Republic in discharging the functions of government. As Senator HOAR said:

> It has responded quite as speedily and quite as directly to the sober conclusion of the popular judgment and to the settled desires of the popular heart as has the other House or has any State legislature.

I can also agree with him when he says:

> It has originated far more than its proportion of the great measures in our legislative history for the benefit of the people which are found in our statute books.

What he said then is true to-day, and since that was stated the Senate has fully sustained its reputation for adopting, originating, and promoting legislation in the interest of the people. Some of the most important laws that are upon the statute books to-day were placed there since Senator HOAR uttered these words. They were enacted at the instance of the Senate itself. No; it is not because corrupt men have been sent to the Senate; it is not because weak and selfish men have been sent to this body that the people desire this change.

This desire originated from causes outside of the Senate. During the last 40 years we have experienced a growth in material development that is amazing and surpasses the possibility of tongue or pen to depict. Population has increased by millions. Settlers have pushed from sea to sea, have cleared lands, have bridged rivers, have scaled mountains, have established cities, and builded States. Manufacturing has expanded by leaps and bounds and the air has become vibrant with whirling wheels and black with the smoke of thousands of furnaces. Great transportation lines have been established, iron tracks have been laid and places, communities, and industries have been brought in close proximity which before had been almost isolated. Telegraph and telephone lines have annihilated distance and great inventions have revolutionized industries and the whole commercial world. Great corporations were formed in every line of business activity. Great and undreamed-of fortunes were amassed by individuals as well as corporations and all these developments have led to new and undreamed-of activities in political lines. These great industrial powers began to be affected by legislation and began to take an interest in the doings of State legislatures because their interests were affected by legislation. Their influence in politics and legislation was insidious but rapid. Through the manipulations of party machinery they exerted a greater or less influence on legislation. Then the political boss developed and members of the legislatures went to the legislatures not to represent the people, but to do the will of the boss. It was only a step to attempt to control and dominate the election of United States Senators either in the interest of some great industry or in the interest of some political faction or both. Members of the legislature have acted according to their own sweet will and for their own individual interests, politically and otherwise. Parties have been divided over individual senatorial aspirants. The interests of the people and the State have been disregarded and individual gain and interests preferred. Public offices have been openly bartered for political support. The whole time of legislatures has been spent in futile efforts to elect a Senator, the people have been humiliated, the States have gone on unrepresented and legislation for the people has been neglected or dominated by the senatorial contest. The people have seen plainly the perversion of the system of electing Senators. It did not elect, but it did corrupt legislators and foster a traffic in public offices and pervert legislation. The maneuvers and intrigues of ambitious men and political bosses caused senatorial elections to become a stench in the nostrils of all decent and patriotic people. Five States at one time were deprived of one-half of their representation in this body and it is no wonder that the demand for a change in the method of election began to grow stronger and stronger.

To-day four State legislatures are tied up over the election of Senators. Very likely after the 4th of March four of the great States of this Union will be represented only by one-half of the delegation they are entitled to upon this floor.

In addition to this and as really fundamental, the everlasting impulse for self-government asserted itself. The people have begun to feel that they could and should select their agents. They are the State. Their interests are the interests of the State. Mills, factories, houses, lands, railroads, towns, cities, and all are nothing without them. Legislation, government, is of the people, for the people, and by the people. They have felt and they feel now that they are as competent to choose their representatives in this body as they are to choose delegates to choose those representatives, and this really rests at the basis of this demand on the part of the people. It will grow stronger and stronger, and each denial by us will but add to its intensity.

In time the people of this country, if they find that this body will not heed their request and answer their petition and grant them the right to say whether the Constitution shall be amended or not, will take the other method of securing an amendment to the Constitution: They will have a convention called, and when the Constitution comes out of that convention its best friends will not recognize it.

The Senator from New York [Mr. ROOT] says the change would take away our direct responsibility to the legislatures who elect us, and transfer it to the people at the polls. Under the present system of electing do we feel any special responsibility to the legislature? We may feel an obligation to some individual member of it or some special faction of our party which has given us material assistance in our election, or it may be inspired it, but I venture to say not even the Senator from New York is thinking of making any special reports to the legislature of his State. The legislature that elects soon passes away; it can not remove us. We even now look to the people for approval of our course and account to them for our stewardship.

But, they say, this is a Government of checks and balances. True; and we must and will maintain these checks and balances not only in the very framework, but we will add another check by the proposed method of selecting our Senators. There is now no check on the legislature. Its election is final, unless bribery and corruption are shown. The man selected may be distasteful to the people, may be distasteful even to the masses of the party to which he belongs; but neither the people nor the party has any recourse. Members of the legislature are too

often influenced by reasons other than a desire merely to elect the best man to this high office.

Why is it that the legislatures in four States to-day are tied up over the election of United States Senators? Is it because the members of each legislature are seeking to find the best man for the place? No; it is because of the rivalry of individual candidates and the influences that are exerted in behalf of these particular candidates; and in some of the legislatures the people believe, whether it is true or not, that one man, not a member of the legislature, is really preventing the election of a United States Senator, holding the majority of that legislature in his hand for some particular individual, and that he will not give his permission for these men to exercise their free will and vote as representatives of the people.

Senators, these are some of the reasons why the people are demanding a change in the method of electing Senators. It is not because, as I have said, Senators who have been elected are not able men; it is not because they are not honest men; but it is because the people see that in the State legislatures men are selected not so much for their personal ability, honesty, and capacity to be Members of this great body, but in order to carry out the will of some particular individual or some particular faction or clique.

Personal appeals, personal relations, personal obligations, combinations and trades on local and personal interests, and legislation, now control these elections. Many members of the legislature do not care or expect to be reelected and their responsibility to the people rests lightly on them. Under the proposed method the people will have the final word. If the man nominated is distasteful, or if the methods pursued are not satisfactory, the people can reject. This will not only be a good thing for the people, but it will have a good effect on the candidates and their methods.

It is urged that we should have good, honest men in the legislatures. True, but nothing has done more to demoralize our legislatures than these senatorial contests, and nothing more deters the best men from going there than their dislike to be participants in these contests, and this change will go a long way to improve and strengthen the personnel of our legislatures.

I will not discuss further the merits of the proposition. It is for us simply to say whether or not we will deny again the petition of the people and the States and of the legislatures of the States and refuse to allow them to pass upon the merits of this proposition. Submit this question and, after considering all the reasons for and against, after listening to the Members of this body who may be opposed to the election of Senators by the people and weighing their reasons why the Constitution should not be amended, the legislatures will, in my opinion, say, "The time has come to amend the Constitution in this particular." It is for us to say whether we will deny the petitions and memorials of the legislatures that have elected us, whose dignity and power and consequence some are so desirous of upholding and yet treat with apparent contempt their respectful petitions. Let us show the people that we are their servants and not their masters; their representatives and not their rulers. Let us show them that we believe in their honesty, integrity, intelligence, and capacity for self-government, and that in the last analysis a free and enlightened representative government rests on the "consent of the governed."

Mr. SIMMONS. Mr. President, I do not desire to discuss the Sutherland amendment or the joint resolution introduced by the Senator from Idaho [Mr. BORAH]. I simply wish for a few moments to state the grounds upon which I shall base the vote which I intend to cast upon the resolution.

Mr. President, the question before Congress is not whether Congress shall amend the Constitution so as to provide for the election of Senators by the people—Congress has not the power to do that—but whether we shall submit to the legislatures of the several States a proposition to so amend the Constitution.

The people of this country of both parties and all parties have unmistakably demanded that this question be submitted to them by Congress.

I was opposed to the Sutherland amendment, and I voted against it, but it has been adopted by a decisive majority, and we have got to submit the proposition qualified by that amendment or not submit it at all.

This amendment does not interfere with the constitutional right of Congress to regulate the time, place, and manner of holding elections for Members of the House of Representatives. It simply provides that if Senators are to be elected by the people the Congress shall have the same right of regulation over elections for that purpose as it now has, and always has had, over elections for Members of the House.

The question we have to decide is whether we will take the responsibility of determining this question or submit it to the people for them to determine. I think this is a question which the people should decide through their legislatures, and that a vote against submitting it to them might be misconstrued, and, having gotten the amendment in the best shape we can get it, I for one shall vote to send it to them for such disposition as they see fit to make of it.

I have given very mature consideration to the effect of this amendment, and I am convinced that it will not affect the right of the States to regulate the qualification of voters, and hence will in no way imperil the amendments which have been adopted in the South defining the qualifications of the suffrage.

I do not believe Congress has the power, if it had the disposition, to overthrow these amendments. So far these amendments have been sustained by the Supreme Court of the United States whenever they have been challenged before that body, and this amendment does not add to the powers of the Federal Government with respect to the question of suffrage.

The Sutherland amendment addresses itself not to the question of the qualification of voters but solely to the question of regulating the time, place, and manner of holding the election of Senators, if that office is made elective by the people, and it would give the Government no greater power in this regard over the election of Senators than it now has and always has had and will continue to have, whether this resolution is adopted or rejected, over the election of Members of the House of Representatives.

The right of the Government to interfere by way of regulation and supervision of election in the States is derived from three distinct provisions of the Constitution:

First. The one which reserves to Congress the right to regulate the time, place, and manner of election of Members of the House of Representatives, and so forth.

Second. The fifteenth amendment, which prohibits the States in general terms from abridging the right of suffrage on account of race, color, or previous condition of servitude.

Third. The right to throw around the election of Federal officials the safeguards of the Constitution and the law.

It may be, and probably is, true that the Government derives its greatest power of control and regulation over these elections from its right to regulate the "time, place, and manner" of holding them, but it is certain that even in the absence of this specific power and right it would have the right to pass any legislation that it may deem necessary and appropriate to prevent discrimination against the voters by State legislation or administration on account of race, color, or previous condition of servitude or to prevent fraud, intimidation, or coercion in the election of Members of the House of Representatives, and of Senators if they are to be elected by popular vote.

If the Congress is disposed to obnoxiously interfere in elections in the States the Sutherland amendment will not change the right in any particular as it affects the election of Members of the House of Representatives and will not deprive it of the right to safeguard the election of Senators by the people against fraud, intimidation, or coercion.

During the more than 40 years that have elapsed since the war and reconstruction Congress has had all the powers over the election of Members of the House of Representatives which the Sutherland amendment now proposes to give it over the election of Senators by the people. During this time sectional and partisan feeling, growing out of the question of Negro enfranchisement and the effect of legislation and administration in restricting Negro suffrage, has run high, and various efforts have been made to put through Congress legislation, such as the force bill, to take over the control of Federal elections in the South; but they have failed, and only that class of legislation has passed which the Government had the power to enact under the fifteenth amendment and under its general powers over the election of its own officials.

No effort to enact legislation of such a sweeping character as it is claimed that Congress has under the fourth article of section 1 as now written has been successful.

During all this while the sentiment against this kind of legislation has been growing stronger, and it is tenfold stronger to-day than it was when these efforts were made and failed.

I do not believe that Congress will in the future, however broad its powers, likely pass any coercive or restrictive legislation upon this subject more obnoxious to the South than to other sections of the country. Certainly the danger, if any, is remote and speculative.

For one I do not feel willing, because of a vague apprehension of such legislation, justified in voting against this proposition, and thereby denying the people an opportunity to decide for themselves whether they want the proposed amendment in its

present form; and I shall therefore vote to leave with them the decision of that question.

Again, it would seem extremely doubtful, from the discussion we have had here, whether the North, East, and West will consent to any amendment looking to the election of Senators by popular vote which does not reserve to the Federal Government the same right of regulation over the election of Senators as obtains over the election of Members of the House; and it would seem that if the people want to obtain the right to elect Senators, it would be under the same condition as obtains under the Constitution as to Members of the House. This situation furnishes another reason why this question should be submitted to the people rather than assume its settlement ourselves, especially as our power is one of submission, while theirs is one of ultimate and final determination.

Mr. BOURNE obtained the floor.

Mr. OWENS. Mr. President, before the Senator proceeds——

The PRESIDING OFFICER. The Senator from Oregon is entitled to the floor. Does he yield to the Senator from Oklahoma?

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. Before the Senator from Oregon begins, I think it would be advisable to have Senators who are available present. A good many of them are in the cloakrooms.

Mr. BOURNE. I hope the Senator will not press that.

Mr. HALE. I think, Mr. President, it is rather a melancholy spectacle that with such important matters pending as there are here there is nothing but full galleries. Of course we might summon in supernumeraries, but the rules of the Senate do not permit that. Even the press gallery has been abandoned, and I think the Senator is quite right in making his point that there is no quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clapp	Kean	Root
Bankhead	Clark, Wyo.	Lorimer	Shively
Beveridge	Crane	McCumber	Smith, Md.
Bourne	Curtis	Martin	Stephenson
Bradley	Depew	Nelson	Stone
Brandegee	Dillingham	Nixon	Sutherland
Briggs	Fletcher	Oliver	Swanson
Brown	Flint	Overman	Warner
Burkett	Foster	Owen	Warren
Burnham	Gallinger	Page	Watson
Burrows	Gamble	Paynter	Wetmore
Burton	Hale	Penrose	Young
Carter	Heyburn	Perkins	
Chamberlain	Jones	Piles	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. BOURNE. Mr. President, on the 5th of last May I delivered in this body a speech entitled "Popular *v.* Delegated Government," in which I asserted that Oregon has the best system of government in the world to-day. The Australian ballot, registration of voters, initiative and referendum, direct primary, corrupt-practices act, and recall, an absolute government by the people.

The interest the Oregon story has created is demonstrated by the fact that already applications have been received for over 2,700,000 copies for the United States, over 10,000 copies in Canada, and several hundred copies for foreign countries.

It is not my intention to take the time of the Senate in giving a repetition of the subject matter contained in the speech referred to, but rather to show that recent and further demonstrations on the part of the electorate of Oregon corroborate the assertions and deductions made in that address.

The issue before the country is whether popular government, with general welfare its vitalizing force, shall save and develop this Nation, or delegated government, with selfishness the destroying force, shall bring the Nation to inevitable anarchy.

For decades we have directed our efforts toward improving the shingles on the roof of our national superstructure without realizing that the foundation is absolutely rotten because its cementation is one of selfishness instead of general welfare, legislation and public servants being directed by and accountable to the political boss and through him to his principal, the largest campaign contributor.

Thus selfishness instead of general welfare becomes the motive power of government. Subservience rather than independence is the doctrine taught by the political boss and temporary leaders. Party platforms are adroitly drawn for the purpose of catching votes rather than for the purpose of development and improvement of government and the conditions of humanity.

The country is to be congratulated upon the awakening it is now undergoing, and, from my viewpoint, the more general and greater the tumult now, the more honest and specific the discussion, the higher the plane of the new departure, and the longer the period of peace hereafter.

The day of party and individual platforms made up of verbal souffle is passing, and the people will elect, whenever they have opportunity, individuals who stand for concrete improvements and remedies and will hold them rigidly responsible for specific performance of their pledges.

PUBLIC SERVANTS SHOULD BE ACCOUNTABLE DIRECTLY TO THE PEOPLE.

The success and duration of representative government depend upon responsibility and accountability—the responsibility of the people for their laws and selection of their public servants and the accountability of the public servant directly to the people.

To insure good service, responsibility and accountability must go together. Whatever an individual is responsible for he should to the same degree be accountable for. Under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor, at best a shifting accountability, because of the relative fluctuations of contributions and contributors. Under popular government like the Oregon system, the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general welfare or be recalled, where the recall exists, or fail of reelection where an efficient direct primary exists.

The greater the centralization of power the wider should be the distribution of accountability. Where accountability is to the individual, payment will be personal, meaning, necessarily, special privilege or serving a selfish interest. Where accountability in government is to the composite citizen—that is to say, the electorate or in corporate business to all the stockholders—the inevitable result is necessitated service for the general welfare of all, or the earliest possible elimination of the servant, whether public or corporate.

WHAT CONSTITUTES POPULAR GOVERNMENT.

These conditions can be established and perpetuated only through popular government, meaning, in its present evolution, the establishment in the several States of our Union, through the utilization of the State machinery, of the initiative and referendum, an efficient direct primary, the corrupt-practices act, and the recall, and providing nationally for the popular selection of candidates for President and Vice President and United States Senators, thus making general welfare the basis of every law and the goal of every public servant.

Popular government insures equal opportunity. It furnishes the same tools to every individual. The progress, advance, or success of the individual depends entirely on his limitations and not on special privilege. Realization of these conditions must stimulate and develop in humanity the innate desire for improvement.

Under delegated government, still in vogue in most States and in practice nationally, the people have no voice in their legislation, thus preventing the development of the electorate; nor have they any voice in the selection of their public servants, thus debauching public service, because of the direct accountability of the public servant to the delegates nominating him and through the delegates to the political boss and through the political boss to the real principal, the greatest campaign contributor.

This is a condition which must result almost necessarily in service by the public servant to the selfish interest governing the campaign contributor, who certainly is not actuated by patriotic motives, but dominated by expectation of receiving in return for his large contribution some special privilege against the general welfare.

In theory we have a Government in which certain public officials represent the wishes and promote the welfare of their States and districts. In reality, we have a Government in which many public officials secure their positions, always by consent and generally through the selection of a party boss, who maintains a political machine with funds contributed by individuals or corporations having selfish interests to protect or promote.

The widespread interest in the Oregon laws proves conclusively that the people of the entire country are awake to conditions that exist and are determined to improve their system of government, not by changing the existing form of government, but by making their representatives solely accountable to the

people and by guaranteeing to public servants that demonstration of good service rather than subservience to a political boss, temporary leader, or special interests assures election or retention.

Citizens determined to substitute general welfare and equal opportunity for selfish interest and special privilege are fighting for the adoption of these reforms throughout the country. There may be delays, temporary failures, and disappointments, but the ultimate accomplishment is certain, and the onward sweep of the movement for the full measure of human liberty can not long be stayed.

VALUE OF THE INITIATIVE AND REFERENDUM.

The initiative and referendum give the people the opportunity of securing and retaining such legislation as they desire. The initiative provides a limitless field for individual development, elevates the electorate, minimizes discontent, and destroys anarchy. The referendum permits popular defeat of unwise laws and absolutely insures retention of laws the people desire, for, without the referendum, the best and most efficient laws ever evolved might be repealed by a legislature actuated by selfish interest or influenced by beneficiaries of special privilege.

The referendum also develops and protects the legislative branch of government through the realization of the legislator that his action will be scrutinized by the people; and, if against general welfare, he will be censured by them and either recalled or defeated for reelection. Under the referendum corruption of members of the legislature is practically eliminated because of the knowledge on the part of the persons desiring special legislation that even though enacted by the legislature, defeat of such laws is within the power of the people.

Until the initiative and referendum amendment has been made a part of every State constitution, its adoption should be the chief issue in every compaign, for other issues sink into insignificance when compared with this.

The initiative and referendum does not destroy, but, on the contrary, insures truly representative government. Where the people of a State enjoy the sovereignty resultant from possession of this legislative power, they will rapidly secure enactment and insure retention of efficient direct primary and corrupt-practices acts and the recall. The legislature still retains and exercises its power, subject, however, to the control of the people, whose servant the legislature should be.

PLACE LEGISLATIVE CANDIDATES ON RECORD.

Because of the fundamental importance of the initiative and referendum, I have urged that in all States direct-legislation leagues be organized and that all candidates for nomination or election to the legislature be compelled to declare unequivocally their attitude upon this subject.

Voters who value their sovereign citizenship and who have confidence in their own intelligence and their own capacity to think and act for themselves should take up the cause aggressively and let no candidate evade the issue. Voters should notify all candidates that they will support for legislative offices only those who pledge themselves to vote for the submission of an initiative and referendum amendment; and legislators in the several States should be notified that they will never again be supported for any office if they fail or refuse to vote for the submission of the initiative and referendum to the people for their adoption.

During the recent campaign I was asked to suggest a form of letter which voters might address to candidates for the legislature, and I suggested the following:

To ———— ————,
Member of ———— Legislature.

If elected a member of the ———— Legislature, will you pledge your honor not only to the people of your legislative district but to the people of the entire State to work and vote for the submission to the electorate of the State of an initiative and referendum amendment similar to the Oregon law? My vote goes only to the candidate replying in the affirmative. In my opinion, this issue overshadows all others.

(Signature of voter.) ———— ————,
(Address.) ————, ————.

In several States where the initiative and referendum was not made an issue in the last campaign, but where it is an issue before the legislature this winter, I have suggested that voters who advocate popular government address a letter in the following form to their State senators and representatives:

Hon. ———— ————,
———— *Legislature,* ————.

DEAR SIR: In my opinion, the submission of the initiative and referendum is the most important question now before the legislature of the State of ————. A resolution has been introduced proposing the submission of the amendment in the form in which it is now in force in the State of Oregon. I believe that form is best, because the Oregon law has stood the test of practical operation and litigation in the courts. If submitted to popular vote in this State the initiative and referendum will be adopted by an overwhelming majority, for, by adoption of this amendment the people will gain power to control legislation by enacting desirable laws the legislature refuses to enact, and by defeating unwise laws passed by the legislature.

I therefore urge immediate adoption of the initiative and referendum resolution in its original form and will regard any attempted change therein, or delay in adoption, as an indirect effort to defeat the measure.

Believing this issue to be the most important now before the legislature, I shall watch the vote thereon with personal interest and hereby give notice that regardless of party lines, I shall never support or vote for any man for any office if he has failed or refused as a member of the legislature of this State to vote for the submission of the initiative and referendum in the Oregon form.

(Signature of voter.) ———— ————

PEOPLE VOTE WITH DISCRIMINATION.

In my address to the Senate on May 5, I submitted a list of 32 measures which had been voted upon by the people of Oregon, showing that the people had voted honestly and intelligently, had made no mistakes, but had secured desired legislation which they could not secure from the legislature and had defeated unwise laws passed by the legislature.

At the recent election the people of Oregon voted upon 32 measures and the manner in which they did so corroborates the previous evidence that they can and will vote upon these measures with discrimination and with due regard to the merits.

Certain it is that the people of Oregon are thoroughly satisfied with what is known as the "Oregon system," comprising the initiative and referendum, direct primary, corrupt-practices act, and recall, for by a vote of 23,000 for to 60,000 against they defeated a measure submitted by the legislature calling a constitutional convention. There was no general desire that a constitutional convention be held, but enemies of popular government, hoping by this means to eliminate the initiative and referendum from our constitution, secured the legislative passage of this act. Under our constitution no such convention can be held until the act authorizing it has been submitted to and approved by the people. This safeguard enabled the people to defeat the call of a constitutional convention, thus overcoming in its incipiency the effort to eliminate the initiative and referendum from our system of government.

Enemies of popular government criticize the Oregon system because the people of the entire State were compelled to vote upon eight bills creating new counties or changing county boundaries, these questions being only of local interest. These critics lose sight of the fact that submission of these measures to the State at large was due to repeated failures of legislatures to enact laws prescribing the manner in which these questions may be voted upon locally. Some Oregon counties are larger than entire States of the East, and, with our rapidly increasing population, creation of new counties is necessary. However, the people defeated all of the eight county boundary bills, thus showing their disapproval of the submission of local questions to State-wide vote, and their purpose to vote in the negative when not entirely convinced of the desirability of a proposed law.

Of the 32 measures submitted, 9 were approved and 23 rejected. Seven measures were proposed by the legislature and six of these were defeated. I shall not undertake to discuss each of the measures submitted, but for the purpose of showing in briefest possible form the character of measures voted upon by the people of Oregon at the recent election, and the vote upon each, I ask permission to insert in the RECORD the following table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910.

	Yes.	No.
Amendment permitting female taxpayers to vote [a]	35,270	59,065
Act establishing branch insane asylum in eastern Oregon [b]	50,134	41,504
Act calling convention to revise State constitution [b]	23,143	59,974
Amendment providing separate district for election of each State senator and representative [b]	24,000	54,252
Amendment repealing requirement that all taxes shall be equal and uniform [b]	37,619	40,172
Amendment permitting organized districts to vote bonds for construction of railroads by such districts [b]	32,844	46,070
Amendment authorizing collection of State and county taxes on separate classes of property [b]	31,629	41,692
Act requiring Baker County to pay $1,000 a year to circuit judge in addition to his State salary [c]	13,161	71,503
Bill creating Nesmith County from parts of Lane and Douglas [a]	22,868	60,591
Bill to establish a State normal school at Monmouth [a]	50,191	40,044
Bill creating Otis County from parts of Harney, Malheur, and Grant [a]	17,426	62,016
Bill annexing part of Clackamas County to Multnomah [a]	16,250	69,002

[a] Submitted under the initiative.
[b] Submitted to the people by the legislature.
[c] Submitted under the referendum upon legislative act.

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910—Continued.

	Yes.	No.
Bill creating Williams County from parts of Lane and Douglas [a]	14,508	64,090
Amendment permitting people of each county to regulate taxation for county purposes, and abolishing poll taxes [a]	44,171	42,127
Amendment giving cities and towns exclusive power to regulate liquor traffic within their limits [a]	53,321	50,779
Bill for protection of laborers in hazardous employment, fixing employers' liability, etc. [a]	56,258	33,943
Bill creating Orchard County from part of Umatilla [a]	15,664	62,712
Bill creating Clark County from part of Grant [a]	15,613	61,704
Bill to establish State normal school at Weston [a]	40,898	46,201
Bill to annex part of Washington County to Multnomah [a]	14,047	68,221
Bill to establish State normal school at Ashland [a]	38,473	48,655
Amendment prohibiting liquor traffic [a]	43,540	61,221
Bill prohibiting sale of liquor, providing for search for liquors, and regulating shipments of same [a]	42,651	63,564
Bill creating board to draft employers' liability law for submission to legislature [a]	32,224	51,719
Bill prohibiting taking of fish in Rogue River except with hook and line [a]	49,712	33,397
Bill creating Deschutes County out of part of Crook [a]	17,592	60,486
Bill for general law under which new counties may be created or boundaries changed [a]	37,129	42,327
Amendment permitting counties to vote bonds for permanent road improvement [a]	51,275	32,906
Bill permitting voters in direct primaries to express choice for President and Vice President, to select delegates national conventions, and nominate candidates for presidential electors [a]	43,353	41,624
Bill creating board of people's inspectors of government, providing for reports of board in Official State Gazette to be mailed to all registered voters bimonthly [a]	29,955	52,538
Amendment extending initiative and referendum, making terms of members of legislature six years, increasing salaries, requiring proportional representation in legislature, election of speaker of house and president of senate outside of members, etc. [a]	37,031	44,366
Amendment permitting three-fourths verdict in civil cases [a]	44,538	89,399

[a] Submitted under the initiative.

Mr. BOURNE. For further illumination of the subject and to refute the misrepresentation regarding the size of the ballot and length of time consumed in voting under the Oregon system, I have here a reprint of the official ballot in Multnomah County, Oreg. The city of Portland, with a population of 207,000, is in Multnomah County, and this is the largest ballot in the State. It is 18 by 24 inches. The time required for the elector to vote this ballot varied from 2½ to 6 minutes.

PRESIDENTIAL PREFERENCE LAW.

Mr. President, the most important measure enacted or adopted by the people of Oregon at the recent election, and, in fact, next to the initiative and referendum the most important law enacted by any State in recent years, is the law permitting voters in party primaries to elect their delegates to national conventions and to instruct them through popular expression of choice for President and Vice President. This law, when enacted in all States, will absolutely destroy the power of a Federal machine to renominate a President or determine his successor. The "steam roller" will be relegated to the political scrap heap and its operators to the shadow of things forgotten, while fourth-class postmasters will, as they should, cease to be a political asset for anybody or any party.

In the light of past experience it seems to me this plan should appeal to all patriotic citizens as well as to conscientious partisans. It is a well-recognized fact that nominations by national conventions are the exclusive work of politicians, which the electorate of the whole United States is permitted only to witness in gaping expectancy and to ratify at the polls in the succeeding November. As unrepresentative as this feature of the national convention is, its flagrancy pales into insignificance in the presence of that other abuse against partisan conscience and outrage upon the representative system, which is wrought by the Republican politician in hopelessly Democratic States, and by the Democratic politician in hopelessly Republican States in dominating the national conventions with the presence of these unrepresentative delegations that represent neither party, people, nor principle.

With the presidential preference law in force throughout the United States the southern Republican delegations will no longer be the vest-pocket trading material of Republican bosses, nor will Democratic delegations from solid Republican States in the North be subject to the will of Democratic bosses. The voice of the people will be heard in the selection of candidates, and delegates will be made, as they should be, mere messengers, conveying the expressed wish of the people whom they profess to represent.

MEANS GREAT INDUSTRIAL SAVING.

Popular selection of candidates for President and Vice President would mean the saving of hundreds of millions of dollars, now wasted through industrial inactivity due to unsettled conditions incident to a change of administration.

In every presidential campaign there is a long period of waste or diminution of full efficiency of brains, muscle, and money due to the uncertainty as to who the presidential nominees will be, then who will be elected, and, last, what the policies of the successful candidate will be after election.

Under the general adoption of my presidential preference bill the people will select in both the great parties the men who by public and private life have demonstrated themselves as best qualified for the highest office in our Nation. Generally, I believe the selections will be from governors of States who have made good executives. Occasionally some man may arise who solves some great problem or originates some new idea improving general welfare, in which event he would be selected and elected. The party electorates would select for their nominees the individuals possessing the confidence of the greatest number, and the general electorate would elect the man in whom they had the greatest confidence. Confidence in our Government is a prerequisite for full business efficiency.

PRESIDENT HAS POWER TO NOMINATE SUCCESSOR.

Three years ago we had a convincing exhibition of the power of a President to dictate the selection of his successor. At that time three-fourths of the Republican voters of my State were in favor of the renomination of Mr. Roosevelt, and, believing that their wishes should be observed, I endeavored to secure a delegation from that State favorable to his nomination for a second elective term. But through the tremendous power of the Chief Executive and of the Federal machine the delegates selected by our State convention were instructed for Mr. Taft. After the delegates were elected and instructed a poll was taken by one of the leading newspapers in Portland, which city contains nearly one-third of the entire population of the State. The result indicated that the preference of the people of the State was 11 to 1 in favor of Mr. Roosevelt as against Mr. Taft.

Impressed by this demonstration of the power of the President to thwart the will of the people, I realized that such power in the hands of any man is a serious menace to a truly representative government. Consequently, I tried to evolve a plan to destroy such power, and after much thought conceived the idea of enlarging our direct-primary law so that each voter may directly express his choice for President and Vice President. Accordingly I had a bill for such a law prepared and submitted to the people under the initiative. In order to make the system complete, the bill also provided for direct election of delegates to national conventions and direct nomination of candidates for presidential electors. It provided that the State shall pay the actual traveling expenses of delegates to national conventions, not exceeding $200 for each delegate, thus removing the handicap which practically permits only men of wealth or leisure to attend national conventions.

The initiative bill, incorporating these provisions, was opposed by almost every prominent newspaper in the State and by all the machine politicians. In order to deceive the people and prejudice them against the bill, one of the papers of largest circulation represented that its chief purpose was to compel the State to pay the traveling expenses of delegates to national conventions. This feature and the idea of needless expense was kept before the voters, and the real issue, extension of popular government, was concealed. Nevertheless, the measure was adopted by the people, and since its adoption it has been praised by some of those who fought it during the campaign. This law is not long, and because of its importance in national affairs I ask permission to insert it in the RECORD.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Maine?

Mr. BOURNE. I will say to the Senator I prefer not to yield until I finish my speech. When I get through I shall be very glad, to the best of my ability, to answer any question.

Mr. HALE. The Senator is presenting a program, a very large and desirable one, which will almost bring about a political millenium. I wish he would explain the provisions of this scheme of his that will prevent, in the national convention, representatives of the administration, whichever it may be, Democratic or Republican, who represent no electoral votes but are counted whether in one convention of the Republicans or in the other convention of the Democrats—delegates who represent nobody, and yet who may control the choice.

Mr. BOURNE. I will say to the Senator from Maine that if he will be patient I hope to demonstrate to him not a scheme but a plan by which the desideratum he mentions will be accomplished.

Mr. HALE. Mr. President——

Mr. BOURNE. Mr. President, I shall decline to be interrupted any further until I finish my remarks.

Mr. HALE. I wish that that brief statute may be read. Let the Secretary read it.

Mr. BOURNE. Mr. President, I decline to be interrupted. I will be glad, at the conclusion of my remarks, as I stated before, to answer any question to the best of my ability, and I should like to have the courtesy of the Senate extended to me to go on until I complete them.

The PRESIDING OFFICER. The Senator from Oregon has the floor and can only be interrupted by his consent.

Mr. HALE. Does the Senator decline to have read for the benefit of the Senate what he says is a brief statute that will cover this whole question? If he declines to have it read for the benefit of the Senate, the responsibility is with him, not with me. All I ask is that it shall be read.

Mr. BOURNE. Of course, I am perfectly willing to have it read.

Mr. HALE. The Senator need not read it.

Mr. BOURNE. I have no intention of reading it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

PRESIDENTIAL PREFERENCE LAW.

A bill for a law to amend section 2 of the direct primary nominating elections law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905 at pages 7 to 50 thereof; to provide for the expression by the qualified voters of the several political parties subject to the said direct primary law of their choice for nomination by their party for President and Vice President of the United States; to provide for and regulate direct primary nominating elections for the election of said political parties' delegates to their respective national conventions, and for the payment of such delegates' necessary expenses, not exceeding $200 for any delegate; for the nomination of party candidates for the office of presidential elector; for space in the party and State campaign books to set forth the merits of aspirants for election and for nomination, and of candidates for the offices of President and Vice President of the United States, of candidates for offices to be voted for in the State at large, and of candidates for United States Senators and Representatives in Congress.

Be it enacted by the people of the State of Oregon:

SECTION 1. That section 2 of the direct primary nominating elections law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, be, and the same is hereby, amended to read as follows:

SEC. 2. On the forty-fifth day preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than 2,000, and school elections) at which public officers in this State and in any district or county, and in any city having a population of 2,000 or more at which public officers are to be elected, except as provided in section 6 of this law as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for Senator in Congress and all other elective State, district, county, precinct, city, ward, and all other officers and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State or any subdivision of this State, and also for choosing and electing the county central committeemen by the several parties subject to the provisions of this law:

Provided, (*a*) In the years when a President and Vice President of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters, and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating-election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(*b*) When candidates for the offices of President and Vice President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature, or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of President or Vice President of the United States shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, convassed, and returned in like manner and under the same conditions as to names, petitions, and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of governor and for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed, and returned.

(*c*) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice President of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to 1 per cent of the party vote in the State at the last preceding election for Representative in Congress; provided that not more than 500 signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

(*d*) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the secretary of state, but in no case to exceed $200 for each delegate: *Provided,* That such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican national convention was fixed for the Republican Party of Oregon in the year 1908. The election of such national delegates for political parties not subject to the direct primary nominating elections law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice President shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

(*e*) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice President of the United States shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by sections 4 and 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice President of the United States may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of $100 per printed page, to set forth his reasons therefor.

(*f*) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for President or Vice President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by sections 6 and 7 of the above-entitled "Law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space the candidate or his supporters, with his written permission filed with the secretary of state, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice President of the United States for this printed space. The other candidates above named shall pay at the rate of $100 per printed page for said space, and said payment shall not be counted as a part of the 10 per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people, the title of the bill shall stand as the title of the law.

DESTROYS POWER OF FEDERAL MACHINE.

Mr. BOURNE. Mr. President, as previously indicated, whenever this law becomes nation-wide in its application it will absolutely destroy the power of the Federal machine; prevent a President renominating himself, except by demonstration of good service; destroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

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stroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

Mr. President, the charge that the President of the United States has used his appointing power to coerce Members of Congress is the most serious of all attacks made by the press. The accusation was made in recent months that in an effort to dictate to Members of Congress in what manner they should exercise their legislative power, the President had granted them the privilege of recommending persons for Federal appointment in their respective States, if the Members voted in Congress as he desired, and had refused them this privilege if they voted upon measures in such a manner as to displease him. In other words, it was charged that the President of the United States engaged in a systematic trading of patronage for votes in Congress.

Reduced to its simple element, the charge was, in effect, bribery or intimidation—bribery if patronage was extended as a reward for voting in accordance with the wishes of the Executive, and intimidation if patronage was withheld as punishment for refusal to yield unwilling obedience. The charge was a direct attack upon the honesty of the Executive, and indirectly a reflection upon the intelligence, independence, and courage of Members of Congress. It would be difficult to believe such a charge without positive proof.

EVIDENCE OF MISUSE OF PATRONAGE.

According to the New York Evening Post of September 15, 1910, the following letter was sent by Secretary Norton to a Republican leader in Iowa whose name was not disclosed:

BEVERLY, MASS., *September 15, 1910.*

Your letters of the 9th are at hand, and I have delayed replying until after the primary elections. The President directs me to express to you and to your friends his deep appreciation of the work which you have done, and the powerful assistance which you have extended to the administration from the beginning—an assistance that has contributed much to the legislative and other successes which have been secured. The President recognizes that your efforts have been wholly disinterested, that you have fought sturdily and generously for what you believed to be his interest and the welfare and success of the party.

While Republican legislation pending in Congress was opposed by certain Republicans, the President felt it to be his duty to the party and to the country to withhold Federal patronage from certain Senators and Congressmen who seemed to be in opposition to the administration's efforts to carry out the promises of the party platform. That attitude, however, ended with the primary elections and nominating conventions, which have now been held, and in which the voters have had opportunity to declare themselves. The people have spoken, and, as the party faces the fall elections, the question must be settled by Republicans of every shade of opinion, whether the differences of the last session shall be perpetuated or shall be forgotten.

He recognizes the danger that in certain cases expressions of feeling were so intense as to make it difficult in some instances for factions to come together and work loyally for the party; but, as he stated in his letter to the Republican congressional committee, he believes it can be done and should be done. The President is confident that you will yourselves meet your local and State situation in this spirit, and that you will write to your friends and ask them to do likewise.

The President feels that the value of Federal patronage has been greatly exaggerated, and that the refusal to grant it has probably been more useful to the men affected than the appointments would have been. In the preliminary skirmishes in certain States, like Wisconsin and Iowa and elsewhere, he was willing, in the interests of what the leaders believed would lead to party success, to make certain discriminations, but the President has concluded that it is his duty now to treat all Republican Congressmen and Senators alike, without any distinction. He will now follow the usual rule in Republican congressional districts and States, and follow the recommendations made by Republican Congressmen and Senators of whatever shade of political opinion, only requiring that the men recommended shall be good men, the most competent, and the best fitted for the particular office.

Sincerely, yours, CHARLES D. NORTON,
Secretary to the President.

Since this letter was signed by the Private Secretary to the President, purports to have been written by his direction, and, although five months have elapsed, has not been repudiated, must it not be accepted as stating the facts?

LEGISLATIVE POWER VESTED IN CONGRESS.

Before entering upon the duties of his office, the President of the United States took an oath, pledging himself to preserve, protect, and defend the Constitution of the United States. Section 1, Article I, of that Constitution declares:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Yet we have the charge that the President exercised legislative power by coercing Members of Congress through distribution of patronage.

The entire spirit and letter of the Constitution shows clear intention that Congress shall be free from intimidation—that it was the purpose that Congress should make the laws and that the President should execute them. Indeed, section 6 of Article I declares that for any speech or debate in Congress Members shall not be questioned in any other place. While it is not permitted that Members be punished by fine or imprisonment for speech or debate in Congress, it has been charged that the President of the United States rewarded them or punished them through the distribution of patronage.

VIOLATION OF SPIRIT OF BRIBERY STATUTE.

I have said that the charge against the President is, in effect, either bribery or intimidation. I would not be understood as saying that it is a charge of technical violation of the bribery statute, but rather a violation of its spirit. In order that this phase of the subject may be clear, I wish to quote the section of the Revised Statutes upon the subject of bribery of Members of Congress. It is section 5450, and reads as follows:

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or any other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any Member of either House of Congress, either before or after such Member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years.

You will observe, Mr. President, that bribery consists in the delivery of "anything of value" and "with intent to influence his vote." Skilled lawyers, trained to "divide a hair twixt south and southwest side," would find no difficulty in proving by unquestionable logic that Federal patronage is not a thing of value, notwithstanding it is so highly prized by operators in commercial politics. What Members of this body may think of the question whether Federal patronage is a thing of value is perhaps beside the question, for they will not be called upon to decide it unless the House should some time exercise its power to impeach a President for delivering patronage with intent to influence the action of Members of Congress.

The natural inference from the Norton letter is that the President of the United States used Federal patronage to influence the action of Members of Congress. This is a charge which no citizen can discuss without regret, yet the whole subject is of such vital importance in the preservation of representative government that I would feel remiss in my duty if I failed to call it to the attention of the country and place in available form such information relating thereto as may have come to my attention. The undenied statement indicates a deplorable and despicable subservience upon the part of the legislative branch and a dangerous and demoralizing usurpation upon the part of the Executive.

If democratic government in the United States is yielding place to dictatorship, then the people should be informed of the transition and aroused to the necessity for prompt exercise of that eternal vigilance and courageous self-assertion which are the price of continued liberty.

The manner in which Federal patronage shall be used is of greatest concern not to Members of Congress but to the people of the United States, whose Government this is. Senators and Representatives come and go. It is of comparatively little importance whether any one of us shall be here six years hence or two years hence. Individuals are of little consequence. But fundamental principles of justice and equality under law are of utmost importance. Disregard and defiance of law is the beginning of anarchy, and the law-respecting, liberty-loving people of this country will not tolerate it.

EQUALITY BEFORE THE LAW.

Our Government was founded upon the proposition that all men are equal before the law, civil or criminal. I would have as much respect for a common ward heeler who buys votes at the polls as for a President of the United States who uses his appointing power as a means of forcing or persuading Members of Congress to determine or change their course of action. One transaction is as dishonest, as corrupt, and as depraving as the other, but the latter is more dangerous, more insidious, more pernicious than the former, because it strikes at the very foundation of free institutions, sets a precedent for corrupt methods in all official life, and marks the beginning of dictatorship and decadence of the Nation.

It is interesting to note that the truth of the charge of corruption, in high places as well as low, has been established not so much by external proof as by the confessions of parties thereto. The purchase of votes in the Illinois Legislature was not proven by testimony of outside parties, but by confessions of bribe givers and bribe takers. In Ohio, where thousands of voters have been punished for selling their votes, and where punishment of vote buyers will doubtless follow in due time, convictions have been based almost entirely upon confessions. And the same is true with regard to the charge of purchase of votes in Congress through distribution of patronage. The

charge was practically unproven, whatever the general understanding may have been, until the issuance of the famous Beverly letter, in which, if authentic, it is confessed that the President had given the privilege of controlling patronage to those Members of Congress who voted upon legislation in accordance with his wishes and has withheld it from those who did not.

PRESIDENTIAL OATH FORBIDS COERCION.

Legislative power is vested in a Senate and House of Representatives, and if that power is to be exercised honestly and intelligently the members of the two Houses must be free to vote in accordance with their own best judgment, being held accountable only to the people of their own States. Any interference with the free expression of the opinions of Members of Congress by their votes upon measures is a direct attack upon that section of the Constitution which declares that—

All legislative powers herein granted shall be vested in a Congress which shall consist of a Senate and House of Representatives.

This quotation is part of that Constitution which every President of the United States has taken an oath to "preserve, protect, and defend." No President can interfere with the exercise of legislative power by Congress without violating his oath of office, a violation as direct and as complete as any other unlawful act by any other officer of the Government. To bribe a Member of Congress by means of Federal patronage is not different in principle from bribery by means of cash or other valuable consideration. Intimidation by threats of loss of prestige incident to withdrawal of patronage is not different in principle from intimidation by threats of violence or business injury. But this species of bribery and intimidation is more vicious than any other, because it assumes a character of gentility, due to the patriotic reverence for the office of President, not enjoyed by the common ward heeler when he indulges in similar practices. It is too base to be called a crime. It is so far below the conception of lawmakers that no statute has been enacted directly prohibiting it. Nothing in our Constitution or laws expressly prohibits the President from trading Federal appointments for votes in Congress. The special-privilege seeker trying to influence legislation by offers of reward to Members of Congress must be fined or imprisoned. The bribe giver is the greatest enemy of good government, and experience has so strongly demonstrated the need for untrammeled official action that many of the States are regulating the activities of paid lobbyists. An honest ballot, whether at the polls or in State legislatures or in the Halls of Congress, is absolutely necessary to free government.

The possible corruption of Congress through the misuse of the presidential nominating power was never contemplated by the framers of the Constitution nor national legislators. It would indeed be a most humiliating admission of the weakness of representative government if disclosures necessitate legislative action to prevent a repetition of such an evil.

One remedy would be the enactment of a Federal corrupt-practices act, punishing by forfeiture of office and imprisonment any Federal official who promises or bestows patronage for votes or support in either legislation, primaries, conventions, or elections.

CREATES MACHINE FOR SELF-PERPETUATION.

But, Mr. President, the use of the appointing power to influence the action of Members of Congress is only one means by which this power may be abused. Federal patronage is also an effective and dangerous power when wielded for the creation or maintenance of a political machine with the purpose of forcing renomination of an Executive or the nomination of a man of his choice.

The President of the United States, through his power of nominating Federal appointees, is the head of the greatest political machine the world has ever seen. Whether the President be a shrewd politician directing the machine himself or entirely ignorant of politics and delegating the power to another, the system is most pernicious.

GOVERNMENTAL AND CORPORATE EFFICIENCY.

Actuated by a desire to submit to the country authoritative figures showing the number of Federal officeholders and employees subject to the nominating and removal powers of the President of the United States, I introduced in the Senate, on December 21, 1910, a resolution which was adopted by the Senate and which reads as follows (S. Res. 312):

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. The total number of officers and employees of the United States Government, exclusive of enlisted men and officers of the Army and Navy.

I assumed that the governmental system of accounts would make this information readily obtainable, but 65 days elapsed before the information was transmitted to the Senate, being received the evening of February 24, 1911, after I had prepared this address.

On February 9, desiring to ascertain from some of the largest business organizations in this country the length of time necessary to secure information of this nature for the purpose of comparison with governmental efficiency, I sent the following letter to Mr. John D. Archbold, of the Standard Oil; Mr. Elbert H. Gary, of the United States Steel; and Mr. Robert C. Clowry, of the Western Union Telegraph Co.

DEAR SIR: Some time ago I introduced in the Senate, and the Senate adopted, a resolution requesting the President to furnish to the Senate the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government exclusive of enlisted men and officers of the Army and Navy.

The President referred this request to the head of each department with a request that the information be supplied.

I think that in number of employees one of the departments would correspond very closely to your company. In order to determine the relative efficiency in organization, I would like to ask you how long it would take you to supply similar information regarding persons employed by your company.

You will note that the resolution does not call for information regarding compensation, but merely the number and classification.

I shall thank you for your kindness in giving this information.

Very sincerely, yours, JONATHAN BOURNE, Jr.

CORPORATIONS REPLY.

On February 14 Mr. Archbold replied as follows:

I have your favor of the 9th. Answering your query as nearly as I can: If it means our force of officers, managers, and clerks—the force receiving not less than $50 per month—it could be supplied in three days. If it means the entire list of employees down to the laboring men, it might take three weeks, owing to the Standard's world-wide foreign branches.

On February 17 Mr. Newcomb Carlton, vice president of the Western Union Telegraph Company, replied as follows:

Replying to your inquiry of the 9th instant, addressed to Mr. Robert C. Clowry, the former president of this company, I beg to say that the time required for supplying information of the character mentioned respecting Western Union employees of various grades, would depend entirely upon whether the classifications under which the information was called for agreed with the classifications under which our record of employees is kept.

We keep at division headquarters (each division corresponding to one of the Federal departments in so far as organization is concerned), a classified list of all employees, and each divisional chief officer could supply the information required in a few minutes if the classification fitted. If, however, the classification contemplated in the inquiry were different from our record, making it necessary to go down the line of our 23,000 offices to get at the information, I should judge that in an ordinary case it would take several weeks to collect and arrange the information if the mails were used. If the inquiry were conducted by telegraph it could, of course, be done in a few days at the outside.

As yet I have received no reply from Mr. Gary.

In view of the ability of the Standard Oil and the Western Union to furnish promptly statistics regarding their organizations, the failure of the administrative branch of the Government to earlier furnish the requested information indicates that the Government's departments were either unwilling to give the Senate the statistics desired or their organization must be inefficient.

It is hardly conceivable that the administrative branch of our Government would refuse or delay compliance with this request coming from the United States Senate, hence the deduction that some of the large business corporations of the country enjoy far greater efficiency than the administrative branch of our Government.

I take this opportunity of publicly expressing to Mr. John D. Archbold and his company, the Standard Oil, and to Mr. Newcomb Carlton and his company, the Western Union Telegraph, my appreciation of their courtesy in so promptly replying to my letter of inquiry. I also commend the efficient and intelligent method under which their business is conducted, as evidenced by their ability to ascertain so quickly facts similar to those the administration was so long in securing or in imparting to the Senate.

Mr. President, my inability to earlier obtain through the President the information requested in the Senate resolution previously quoted prevents my giving the clear presentation I had hoped to do on the subject. However, by next session of Congress I expect, judging from present indications, that the country itself will have far more data, and I shall then probably take opportunity to make further remarks on this subject.

MAGNITUDE OF THE MACHINE.

Statistics compiled by the Civil Service Commission, but acknowledged to be incomplete, show that on June 30, 1910, the number of employees in the executive civil service was 384,088. This does not include officers or enlisted men of the Army or Navy, nor clerks in fourth-class post offices, the latter numbering about 64,000.

Although approximately 222,000 of this number are on the classified list under civil-service regulations, yet the presidential power of nomination or direct or indirect appointment of nearly 68,000 not on the classified list under the civil-service regulations, and his power of promotion, demotion, or removal, either of minor employees or the heads or subheads of departments makes the whole number of 384,000 directly or indirectly responsive to his will. While authentic information is not at hand, I believe the average wage in the Government service is at least $900 per annum, making a total Government pay roll of more than $345,000,000.

The utilization of this force along selfish lines would be most dangerous, pernicious, and demoralizing. An Executive desiring to misuse this power would, in effect, start with a campaign contribution of $345,000,000 per annum and an organization of 384,000 individuals, all directed toward selfish interest, namely, perpetuation of the power of the Executive and of the individuals owing their position and advancement to this power.

While the President is the actual head of the Federal machine, the chairman of the national committee or a Cabinet officer, or both in one, is usually his chief agent for its operation. Backed by the presidential power to distribute Federal patronage, he starts his organization with the committeemen from Districts and Territories having no votes and from those Southern States that always deliver delegates but never deliver electoral votes to the Republican Party. In fact, under the operation of this machine electoral votes are not desired, because if obtained and Republican Senators and Congressmen were elected from Southern States these Members of Congress would apparently have to be consulted regarding the distribution of Federal patronage in their respective States, and the "referees" in those States would lose their power.

INEQUALITY IN NATIONAL COMMITTEE.

The Republican national committee consists of 53 members, one from each State, Territory, District, and island possession. The Territory of Alaska, with no electoral vote and but two delegates in the convention, has the same representation and power in the national committee as the great State of New York, with 39 electoral votes and 78 delegates. The committee elects its own chairman and perfects its organization. It decides on place and time of convention. It recommends how many delegates shall be admitted from each State and Territory, how the delegates and alternates shall be chosen in the various States, how the delegates from Territories shall be selected, and recommends who shall serve as temporary chairman of the national convention. The chairman of the national committee calls the convention to order and generally directs the campaign.

In the Republican national convention committees on credentials, permanent organization, and resolutions are composed of one delegate from each State and Territory. Each State selects its own representative on these committees and offers them to the convention. The committee on permanent organization recommends the permanent chairman and confirms the other officers who are recommended by the national committee. Control of the national committee by the administration gives tremendous power, which is made absolute if combined with control of the committee on credentials. If the operators of the machine find that, even with the advantage of control of delegations from the Democratic States and the Territories, they will not have enough votes in the convention to control its action, contesting delegations will appear from a number of States, by seating some of which the necessary additional strength may be secured.

CONVENTIONS NOT TRULY REPRESENTATIVE.

National conventions are not representative of the wishes of the members of the party who are depended upon to cast the votes to elect the ticket. In the 1908 Republican national convention 980 delegates were admitted under the terms of the national committee's call; 491, or a majority, were necessary for a nomination. The Southern States and Territories, giving no electoral votes, with the exception of Maryland, which gave Taft and Sherman 2 out of 8, had 338 votes, leaving 153 to be secured to give a majority. Thus, it will be seen that under such circumstances any candidate controlling the delegations from Southern Democratic States and the Territories would have to secure only 153 votes, while any other candidate would have to secure 491 votes from those States which give electoral votes as well as delegates.

Under the referee system in the South and the patronage system in the Territories and insular possessions a President, through his nominating power and the Federal machine, can, if he desires, practically control the votes of these delegations in a convention. Then with his power in other States, and the tremendous influence of the Federal machine, it requires but little other influence to give him the 153 additional votes necessary for his renomination or the nomination of the man he selects. The Southern States and Territories, giving no electoral votes to the Republican Party, are under the domination of the machine through the referee system, and have greater influence in naming the Republican nominees for President and Vice President than have the combined States of New York, Pennsylvania, Illinois, Ohio, Massachusetts, Indiana, and Iowa, which collectively have 334 delegates.

EXISTENCE OF THIS POWER IS UNDEMOCRATIC.

Possession of such power as I have outlined (the existence of which can not be disputed) violates the fundamental principles of a Government established and maintained by all the people. Avoidance of dictatorial power was the chief purpose of division of the Government into three branches. Yet men who profess reverence for the founders of the Government give silent or express consent to usurpation and misuse of that power for self-perpetuation.

It was the intention of the framers of the Constitution that Congress, within the limitations of that instrument, should represent the will of the people; that the Supreme Court, taking the Federal Constitution as the standard, should determine the validity and meaning of laws enacted by Congress, and that the President should be the instrument to carry out the will of the people as expressed through Congress.

Though the power of each branch was defined and Congress was declared the lawmaking body, yet for years we have seen the power of the Executive steadily increasing and the power of Congress correspondingly diminishing. The means by which this has been accomplished is the nominating power of the President of the United States. This steadily increasing power of the Executive and decreasing power of Congress is the greatest menace to the perpetuation of free government and general welfare of our people.

Extension of the power of the Executive is the beginning of dictatorship. The remedy is to make Presidents directly accountable to party and general electorates by enacting laws for presidential primary votes, thereby destroying the power of political bosses and their backers, the campaign contributors. The people can be trusted. The composite citizen knows more and acts from higher motives than any single individual, however great, experienced, or well developed. While selfishness is usually dominant in the individual, it is minimized in the composite citizen.

COMPOSITE CITIZEN IS UNSELFISH.

The composite citizen is made up of millions of individuals, each dominated in most cases by selfish interest. But because of the difference in the personal equations of the individual units making up the composite citizen, there is a corresponding difference in the interests dominating said units, and while composite action is taking place, friction is developed, attrition results, selfishness is worn away, and general welfare is substituted before action is accomplished.

I therefore assert that it is of greatest importance to this Government and Nation that Congress, made up of hundreds of different individuals representing different sections of our great country, especially when made responsible under the general establishment of popular government laws to the party and general electorates of their districts and States, knowing no single individual or interest to whom they owe their selection or election, should be the untrammeled legislative branch of our Government, as most responsive to the composite citizen and possessing collectively more knowledge, experience, reason, and unselfishness than any single individual.

CONCRETE REMEDIES SUGGESTED.

The presidential preference law, generally enacted, will destroy the power of the President to build a Federal machine.

The misuse of Federal patronage in coercing Congress can be prevented by an efficient national corrupt-practices act, which I expect to introduce in the next Congress, or by constitutional amendment transferring the presidential power of nomination

to a permanent nonpartisan commission to be created, or putting the responsibility for such selections upon Senators and Congressmen. Until legislative action be taken or a constitutional amendment be adopted, my own idea would be for the Senate to decline to confirm presidential nominations in any State if unsatisfactory to Senators from the State in which the appointment is made. This action by the Senate would absolutely destroy the existing referee system in the South, for the delegates to national conventions from Southern States would realize that the referee's promises of patronage in return for their votes for the administration's candidate for President could not be fulfilled without the Senate's assent and cooperation.

As long as I remain in the Senate I shall never vote for the confirmation of any executive nominee who is objectionable to the Senators in the State where the nominee is to serve.

PRESIDENTIAL CANDIDATES SHOULD DECLARE ATTITUDE.

Mr. President, I hope the crystallization of public opinion against the misuse of this power will force presidential candidates in both parties to publicly announce, prior to their nomination or election, that if elected they will place upon Senators and Congressmen the responsibility for making selections of all Federal appointees in their respective States. Such a plan would be based on the assumption that Senators and Congressmen are better qualified to judge as to the efficiency and fitness of citizens in their States than the President himself or any delegated agent could possibly be. This arrangement, from every viewpoint, would give better service. The possibility of the Senators and Congressmen misusing such a power would be minimized by the realization that they would be held more strictly accountable by their constituents, in case of making poor selections, than would the President. If this nominating power is to be misused, it is infinitely less menace to the country to have it divided among 92 Senators and 391 Congressmen than to have it centralized in one man, as it now is in the President, or delegated by him to a member of his cabinet or the chairman of the national committee, or both in one.

THE SYSTEM, NOT AN INDIVIDUAL, CRITICIZED.

Mr. President, in view of my well-known advocacy of the largest possible power in the hands of the people and in view of the manner in which I have discussed this subject, it seems hardly necessary to assert that my criticism is aimed not at an individual, but at a system, the existence of which is heralded by an individual's proclamation. I care not who is the originator or promulgator of an idea, a fundamental, or a law, or who its opponents, if, upon mature deliberation, it appears to be for the general welfare, I shall support it, while if it seems to be against the general welfare I shall oppose it.

Due respect for the high office of President of the United States is becoming to every citizen, but higher than that office and vastly higher than any temporary incumbent is the Constitution of the United States, and above and beyond that the eternal principles of human liberty and justice. I am no worshiper of men or offices, nor do I believe constitutions can not be improved. If men interrupt the progress of society, their sphere of activity must be changed; if offices become an injury rather than a help to government, the powers incident thereto must be altered; if constitutions fail in their purpose to promote the general welfare, new provisions must be written therein. All these are but temporary and shifting instruments, no more fit for human worship than the penates of ancient Rome.

PEOPLE WILL SOLVE PROBLEM.

Proud of American institutions and of every page of history that records their progress, I have been loth to point to evils that exist. Preferring peace to controversy, I have long delayed public utterance of views frequently expressed to Members of this body. But putting aside personal inclinations and placing public welfare above all else, I have endeavored to present what appear to be facts regarding gross abuse of the presidential appointing power.

I have confidence in the intelligence and honesty and resourcefulness of the American people. They have capacity to judge whether trading of Federal patronage for votes in Congress or in convention is either constitutional or wise. They have the honesty and the courage to make their opinions known, and they have the resourcefulness to find means to express their views. We will leave the subject to the judgment and conscience of the American people, knowing that in their own time and in their own way they will voice their desire and enforce their will.

Mr. CRAWFORD and Mr. SMITH of South Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CRAWFORD. Mr. President, I desire to resume the remarks I was making this afternoon when I yielded the floor to the Senator from Georgia [Mr. BACON].

Mr. SMITH of South Carolina. I merely desire to say that I gave notice on Saturday last that I would address some remarks to the Senate this morning on the question of reciprocity.

Mr. BEVERIDGE. On what?

Mr. SMITH of South Carolina. On the proposed reciprocity agreement with Canada.

Mr. CRAWFORD. I yield to the Senator.

Mr. SMITH of South Carolina. Mr. President, before I make my remarks on this subject I think a few words of explanation from my standpoint are necessary. I do not propose in what I am going to give to the Senate of my views on this question to enter into any of the details. What I desire in my remarks to the Senate, as I have written them, is to give what I conceive to be the proper attitude of each and every one here relative to this subject, and particularly of Democrats, in reference to any measure coming from any source that is moving in the proper direction in so far as we construe the proper attitude of the Government toward the governed. I shall not question the motives of Mr. Taft in attempting to bring about this relation between the United States and Canada. All that I propose to do is to address myself to what I actually find expressed by him. If that expression is in accord with what I believe to be correct Democratic principles and correct rules of government, I shall support it; if it does not go far enough, I will go with him just as far as I believe that it is proper and correct according to Democratic standards for me to go. Because I certainly can fear nothing from a right direction of right forces, no matter whether or not the one who inaugurated them has an ultimately sinister purpose.

Therefore I shall take what the President has transmitted and the reasons he has given therefor as being sincere, coming from the Chief Executive, and for a few minutes I ask the indulgence of the Senate and beg their pardon for reading it. I have tried, however, to boil it down to where the logic of the situation, from the Democratic standpoint, seems to me to be unavoidable and from which there is no escape.

I want each and every one to understand that in the discussion of this question there may be a tendency on the part of some to say that because Canada is so small a part of our great foreign relations, therefore, no matter what arrangements we might make with her, it would not amount to a great deal and might disappoint some. The minutest application of a principle necessarily must be as proper as the greatest application of that principle. My truthful dealing with the child is as essential and necessary as my truthful relation with the adult.

It is hard for me to understand, as a Democrat, how any man who believes in the principles of Democracy can afford to vote against this proposed treaty, for the reason that Democracy stands for the freest possible access to all the markets of the world, both as to buying and to selling, with the simple limitation of enough duty on importation, plus other sources of revenue, to supply the needs of the Government. A tax for any other purpose, from the standpoint of a Democrat, becomes a tax for a special privilege, obnoxious to the very fundamental doctrine that we profess.

It is no argument worthy of a Democrat to say that because for so many years the Republicans have committed the Government to a doctrine of protection that, therefore, so long as one article is protected all others should be likewise protected.

From a Republican standpoint this would be, and is, a consistent argument. But from a Democratic standpoint it is totally untenable.

In the practical application of this argument, as brought about by this proposed treaty, only two sides of the question seem to be considered—the producer of the raw material and the producer of the manufactured article.

There seems to be a tendency to totally ignore that great class who do not own the farm or ranch to produce the raw material, or the factories to produce the finished product—that vast army of wage earners who are consumers. These seem, and are, left out of the count. And, according to the contention of those who oppose this treaty, they are the ones—this great class—upon whom it is sought to impose the entire burden of this tax.

It is argued that it is unjust and unfair to the cattle raiser to bring him in competition with the cattle raisers of Canada, while the man who butchers the cattle—the great slaughterhouse and packinghouse king—is protected in the sale of his meat; that it is unjust and unfair to bring the wheat growers of

America into competition with the wheat growers of the Dominion and protect the manufacturer of flour.

And when I use the word "Canada" I mean the principle applied to every wheat-growing country on the globe. And so on through the whole list of field and ranch and factory. Is it not true that if the raiser of cattle is protected equally with the one that produces the meat, that the consumer of that meat must inevitably pay a double tax? Is it not true that the consumer of flour, if the wheat grower is protected equally with the manufacturer of that flour, must pay a double tax on the bread he eats? Is it not true that if a tax is put upon rough lumber equal to the tax placed upon the planed and manufactured article, that the consumer of lumber, the home builder, and those who consume it in our domestic relations must pay a double tax?

Therefore the correct position of the true Democrat is not to contend that so long as the manufactured article is protected the raw material shall be protected likewise, but that, in addition to an open market for the raw material, there shall be an open market for the manufactured product as well. And that, though the Government is committed to the doctrine of protection, and though it has iniquitously discriminated in favor of the manufacturer as against the raw material and the vast army of consumers of the finished article, we, as Democrats, can not afford to say that the raw material shall also be protected until such time as the manufactured article is unprotected. In a word, we can not afford to assume the attitude that while the "good stealing is going on we are entitled to our share." The test—the real test—of one's loyalty to a principle is one's willingness to make a sacrifice for that principle. If I, the producer of the raw material, contend that I be protected in what I produce because the manufacturer is protected in what he produces out of what I produce, I am simply giving up the principle for which I contend.

The proper attitude for me to assume, as a Democrat, toward this principle of government is to stand fast to my doctrine; to insist that no unjust law shall burden the people for my benefit, and that I, the producer of the raw material, am willing, in attestation of my loyalty to this principle, to see that it goes without protection, even at a loss to myself, while, in justice to all, I fight for a reduction, or, rather, a removal of all protection for protection's sake on the manufactured article—standing to my doctrine, yielding not one jot or tittle, and insisting that if the other man does injustice that I be not placed in his class.

It is almost a parallel case to say that because I happen to be in a community, or amongst a class of men where lying and cheating are permitted and the profits of business depend upon lying and cheating, that I myself must lie and cheat until such time as I can get public opinion educated to where they will stop it or a law that will forbid it. What time would I bring it about if I practiced that which I condemn in others? If in my heart of hearts I believe that it is destructive to moral character and manhood to lie and cheat, I will neither lie nor cheat, though I lose every dollar I own. If I believe that the principle of protection is wrong, I will not vote for protection to protect me, even though the other man profits by protection at my expense.

Hancock said that protection was a local issue. That is, that as long as it profited a section at the expense of another section or other people to advocate and to put into operation the law of protection, that that community would be protectionists. But where a community could not profit by it, but suffered for the profit of another, they were antiprotectionists and that, therefore, it was a local issue, involving no principle. According to this theory, there is no principle in the world, in fact. They could all be reduced to local issues. According to his doctrine, if it was profitable in Washington to be honest and truthful, I would advocate and practice honor and truth in Washington. If, in Baltimore, it was unprofitable, I would be dishonest and untruthful there. In a word, in this great theory of government, according to him, there was no real principle involved; no sense of equity, justice, and right. But simply what is profitable to me or my community in dollars and cents, regardless of how this profit comes.

Every real advance of the human family has been based upon an unswerving conviction as to principle, and a loyal adherence to that principle at any cost and any sacrifice. And this is as true of parties as individuals.

It is interesting to note how some men will grow eloquent in their plea that men shall be honest with themselves, stand by their conviction of what is right, pleading for each and every one to stand by his principles of honor and integrity, regardless of whether they stand alone or go with the mass. They boast of their delight in standing by their principles in other matters affecting their individual character and their personal or individual relation to others, and yet these same men will discard this loyalty to principle, this loyalty to conviction, in reference to governmental affairs, as to what is right and proper and advocate that because the other man is doing wrong and profiting out of me by so doing that I must retaliate by doing wrong also and profiting out of him.

I feel like congratulating the President for coming to a Democratic viewpoint.

A great writer has said, "A false principle wrought into real life will always work itself out in disaster," and the present condition of the Republican Party stands as a startling illustration of that truth. The doctrine of protection, as taught and developed by them, has resulted in the practical disruption, temporarily at least, and from all indications permanently as well, of the Republican Party. It is instructive to the people at large to compare what the President says in his message accompanying the proposed treaty, in reference to the tariff, and what the leaders of his party said during the debates on the tariff in the last Congress. He says:

> We have reached a stage in our own development that calls for a statesmanlike and broad view of our future economic status and its requirements. We have drawn upon our natural resources in such a way as to invite attention to their necessary limit. This has properly aroused our effort to conserve them, to avoid their waste, and to restrict their use to our necessities. We have so increased in population and in our consumption of food products and the other necessities of life, hitherto supplied largely from our own country, that unless we materially increase our production we can see before us a change in our economic position from that of a country selling to the world food and natural products of the farm and forest to one consuming and importing them. * * * Ought we not, then, to arrange a commercial agreement with Canada, if we can, by which we shall have direct access to her great supply of natural products without an obstructing or prohibitory tariff?

The high cost of living and the very necessities of the case, and over and above all the result of the November election, have caused the head of the Republican Party to see sufficient light to begin, even in the minute corner of the Northwest, to deal fairly with the people on these great questions.

The contention of the Democratic Party has always been, in reference to farm products, that the tariff did not and could not materially benefit them, for the reason that the surplus fixes the price, as sold in the foreign markets, for the domestic market.

There has been a delusion amongst the farmers who produce the raw material. There has been held out to them the false promise, the empty promise, that if they would vote for protection it would mean the protection of their product as well, while even last year, with the greatest of home consumption of American wheat and the least exportation of the same, we exported 92,000,000 bushels.

During the tariff debate of last year there was an investigation as to the cost of living. According to the report of the majority the tariff was exonerated from any part in this burdensome increase.

I happened to be a member of that committee. The wholesaler, retailer—the numerous class of middlemen—who distributed these articles of necessity were the ones guilty of burdening the American people with this extraordinary cost of living. Now, therefore, when the President proposes an agreement with another country, lowering the tariff on some and removing it entirely on other articles, there is a cry to the effect that if this be done, the producers of these articles in this country stand face to face with bankruptcy for the benefit of those who eat the food.

So long as the investigation had no power to enforce a law, such as is proposed in this treaty, it seemed to be a problem as to what was the real cause. Mr. Taft, in one proposition, has uncovered to the American people the real cause in half the time and at infinitely less expense than all of the investigation of the committee on the cost of living.

What is this reciprocity that he proposes? He has put cattle, horses, hogs, sheep, poultry, alive and dead; cereals of all kinds, hay, fruits, and vegetables on the free list, together with a lot of other articles, amongst them wood pulp and rough lumber. The primary and secondary stages of all food products have in the first instance been put on the free list, and in the second instance the duty has been lowered materially.

As to the percentage of reduction on manufactured articles, fresh meats have been lowered 16 per cent; bacon and hams, 67 per cent; meats of all kinds, dried and smoked, 66 per cent; flour, 60 per cent. In a word, throughout the whole list secondary articles have been materially reduced, so that the Canadian markets, in all the articles specified, are open to a greater American trade, while the American markets have likewise been open to Canadian trade, guaranteeing a greater market for such things as we can produce more cheaply than Canada and a greater market in America for such things as Canada

can produce more cheaply than we. Embodying the very principles for which the Democratic Party has always stood, this question of reciprocity may not have gone far enough, but as far as it has gone it certainly has gone in the direction of Democratic doctrine.

Some of the opponents of this measure were those who clamored for free lumber, because they happened to be in those States where there was a scarcity of lumber, and which States were nearer to Canada than they were to those States in the United States where there was an abundance of lumber.

To-day, when the circumstances are changed, these very men are clamoring for protected wheat against free wheat, yet when free lumber promised to benefit them they wanted free lumber, but when free wheat promises to injure them they want protected wheat. They were perfectly willing to give the people of the United States free lumber if in so doing they could benefit themselves, regardless of whether it benefited or injured the balance of the country. But they are not willing to give free wheat if by so doing the balance of the country will be benefited.

One of the leading Republican Senators, during the tariff debate of last session, declared that the duty on California lemons was high enough or perhaps too high, and stated, as his reason for this seeming Republican inconsistency, that New York could import lemons cheaper from elsewhere than they could from California.

I can not understand the attitude of some of the so-called insurgents on this question. During the discussion on the Payne-Aldrich bill there were no more stalwart champions of a reduction of the tariff downward than they. The cotton schedule, the woolen schedule, the iron and steel schedule, the meat trust, all these were attacked with a comprehensiveness and vigor that endeared them mightily to Democratic hearts. And profound was their seeming disgust when at last the bill was passed and the President affixed his signature thereto. But now that the President seems to have seen the error of his way and has discovered one of the factors at least of the high cost of living, and is honestly endeavoring to relieve the condition as far as he may, these champions of a tariff reduction seem loath to follow their own Republican President when he, partially at least, accedes to their strenuous clamor of a year ago. For what reason, they doubtless will explain in the course of this debate. Let us hope that it is not because most of the articles affected are produced in their States.

We have no right to denounce the selfish, heartless, greedy trusts and combinations of wealth in this country because they have practically monopolized some of the great necessities of life and distressed the people by putting an unjust price upon these articles if we, the representatives of the people, clamor for a protection for those things which we or our localities are interested in. We have no right to denounce in another that which we are practicing ourselves. If, because of the scarcity of lumber in America, because I own lumber or my community owns lumber, I become a party to exacting from the balance of America a price far beyond that which they could obtain in the open markets of the world, I have simply placed myself in the same category with the much denounced and despised protected trusts and combines, for the principle is identically the same. The man who clamors for a protection on wheat because it will benefit his community and the wheat growers in his section, at the expense of the balance of the American people, when the American people could buy this wheat at a cheaper rate if allowed the open markets of the world, is putting himself in identically the same category with the so-called iniquitous trusts and combinations.

When I demand that the article in which I and my community are interested shall be protected because the article that we produce or manufacture can be purchased cheaper elsewhere, I have arrayed myself under the same flag under which the Oil Trust, Beef Trust, Steel Trust, and all the other protected combinations that are fleecing the people are fighting

In conclusion, Mr. President, I wish to say that President Taft, in his proposed treaty with Canada, has challenged the pluck of every Democrat, of every insurgent Republican, of every party or individual who have stood for a lowering of duties, of the widening of the market, who believe in equal rights to all and special privileges to none under the law. And I for one shall vote for and uphold this measure, imperfect though it may be, as a step in the right direction, which, taken advantage of and followed up, may ultimately lead to the liberation of the oppressed.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of the following resolution submitted by Mr. BEVERIDGE January 9, 1911:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the resolution.

Mr. BAILEY. On that I demand the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand?

Mr. CRAWFORD. Mr. President I desire to be heard——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. In the opinion of the Chair a sufficient number have seconded the demand, and the yeas and nays are ordered.

Mr. OWEN. Before that was put by the Chair recognition was demanded of the Chair.

The PRESIDING OFFICER. The Chair recognized the Senator from Texas.

Mr. HALE (at 10 o'clock p. m.). I make the privileged motion that the Senate do now adjourn.

Mr. STONE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state his point of order.

Mr. STONE. I wish it to appear in the RECORD that the Chair can not put the question on ordering the yeas and nays when Senators are addressing the Chair.

Mr. PENROSE and others. Regular order!

Mr. BAILEY. In reply to that I want to say to the Senator from Missouri that by demanding the yeas and nays I had no purpose to prevent him or any other Senator from addressing the Senate, but I was recognized and made a privileged demand. The matter is still open for debate.

Mr. STONE. I understand, and I had no thought of this immediate question before the Senate, but this same thing has been done on one or two previous rather noted occasions. I think it is an abuse of the power and right of the Chair. I wish to make a point of order.

Mr. PENROSE and others. Regular order!

Mr. HALE. I insist on my motion.

Mr. BAILEY. The yeas and nays have been ordered, I understand.

The PRESIDING OFFICER. So the Chair understands, and he has so ruled.

Mr. BAILEY. The yeas and nays on the pending resolution have been ordered.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I do not understand that the yeas and nays have been ordered.

Mr. PENROSE. They have been ordered.

The PRESIDING OFFICER. They have been ordered on the pending resolution. The pending question is the motion of the Senator from Maine. The Senator from South Dakota asks the Senator from Maine if he will yield.

Mr. HALE. I will not yield for any further debate.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. OWEN. I ask the Senator from Maine to yield until the opinion of the Senate may be taken upon the ruling of the Chair, from which I appeal.

Mr. BAILEY. There is no decision of the Chair. I demanded the yeas and nays.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

Mr. BAILEY. The Chair asked if the demand was seconded, and enough Senators seconded the demand to order the yeas and nays. Now, Senators who did not want to order the yeas and nays might have called for the other side, but they did not, and there is no question before the Senate.

The PRESIDING OFFICER. The Chair so understands.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota rises to a parliamentary inquiry. The Senator will state it.

Mr. CRAWFORD. Do I understand that the ordering of the yeas and nays shuts off absolutely further discussion on the resolution?

Mr. BAILEY. Oh, no.

The PRESIDING OFFICER. It does not.

Mr. CRAWFORD. I desire to address the Senate on the resolution.

The PRESIDING OFFICER. But the Senator from Maine has moved that the Senate adjourn, and that motion is not debatable.

Mr. STONE. There is a question of order pending. The Chair had no right, under the parliamentary usage of the Senate and its rules, to take the question on ordering the yeas and nays when a Senator is addressing the Chair before the question was put.

Mr. OWEN. That was the point I raised.

Mr. STONE. There is a question on the right of the Chair to do that, and if the Chair overrules the point of order I desire to appeal from it.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. STONE. Then I appeal from the ruling of the Chair.

Mr. HALE. Pending that——

Mr. BAILEY. Oh, no; let us dispose of this.

Mr. HALE. Evidently, nothing further can be done; but I leave it to the Senate. I move that the Senate now adjourn.

The PRESIDING OFFICER. The question is the motion of the Senator from Maine that the Senate do now adjourn.

The motion was not agreed to.

Mr. OWEN. Mr. President, I made a point of order which the Chair overruled. My point of order was that the Chair could not determine the question and submit the ordering of the yeas and nays when the Chair was being addressed.

Mr. STONE. Before it was submitted.

Mr. OWEN. The Chair was addressed before the question was submitted to the Senate.

Mr. BAILEY. That question is not debatable, and consequently no Senator could address the Chair on ordering the yeas and nays. But if the Senate desires to settle it I hope the Chair will submit the appeal taken by the Senator from Missouri from the decision of the Chair.

Mr. HALE. That is right.

The PRESIDING OFFICER. The Chair will submit the appeal, of course. The Chair recognized the Senator from Texas, who demanded the yeas and nays. The Chair asked if there was a second, and, in the opinion of the Chair, there was, and the Chair declared that the yeas and nays were ordered. The Chair could not recognize Senators at that time, as he had recognized the Senator from Texas. The Chair understands now that the Senator from Missouri appeals from the ruling of the Chair. On that the question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. OWEN. Mr. President, I desire the parliamentary question of order to be submitted formally to the Senate, so that everyone may clearly understand what the point of order is.

The PRESIDING OFFICER. As the Chair understands the question, it is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. What is the ruling of the Chair on the parliamentary point of order?

The PRESIDING OFFICER. The ruling of the Chair was that the yeas and nays had been ordered. The Chair understood the Senator from Missouri to claim that the Chair could not declare that the yeas and nays were ordered, although the required number had asked for them.

Mr. OWEN. The point was that the Chair submitted to the Senate the question on the yeas and nays when the Chair was being addressed and before it was submitted to the Senate.

The PRESIDING OFFICER. The Chair overruled that point of order.

Mr. STONE. The point, Mr. President, I raised is not that the Chair had wrongly decided that a sufficient number had seconded the demand for the yeas and nays, but that when the Senator from Texas was recognized and demanded the yeas and nays, before the Chair submitted it both the Senator from Oklahoma and the Senator from South Dakota rose and addressed the Chair, and the Chair refused to recognize them, and persisted in submitting the question of ordering the yeas and nays to the Senate, and decided, so far as that goes, very properly, that the yeas and nays had been ordered. The Senator from Texas says the question on ordering the yeas and nays is not debatable. That is true, but the yeas and nays can not be properly ordered, nor a vote taken, nor any step of that kind undertaken until the debate itself has been terminated.

Mr. PENROSE. This debate is out of order, Mr. President.

Mr. STONE. I do not know whether it is out of order.

The PRESIDING OFFICER. The Senator from Missouri rose to a question of order.

Mr. STONE. It is not out of order. I should like to have the Senator from Pennsylvania furnish any authority upon which he states that this is out of order.

Mr. PENROSE. I call the attention of the Senator to Rule XX, page 20, of the Manual:

> And every appeal therefrom shall be decided at once and without debate.

That is, an appeal from the decision of the Chair.

Mr. STONE. But the question of order is unquestionably debatable. Still I have no wish to protract the debate or consume the time of the Senate. I want to say to the Senate, however, that this is a bad precedent for us to establish by a deliberate vote of the Senate, for it may be a black chicken that will come home to roost on some other occasion.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. STONE. I am proceeding in the regular order. If the Senator from New Hampshire does not think so, then his suggestion is proper. Otherwise, it is exceedingly improper. If the Senator desires to say anything, he had better rise and address the Chair.

Mr. GALLINGER. I will answer the Senator by saying that if he will read Rule XX he will find that an appeal is not debatable; and if the Chair will enforce that rule the Senator will not take any longer time on this question.

Mr. STONE. I am through, anyhow.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that if he had risen to a question of order and so stated he would have been recognized by the Chair. He did not rise to a question of order. The Chair was putting the demand of the Senator from Texas, and during that he could not recognize anybody else. The Chair understands that the Senator from Missouri appeals from the ruling of the Chair.

Mr. STONE. I did rise to a question of order.

The PRESIDING OFFICER. The Senator did not state it.

Mr. STONE. How could the Chair know for what purpose I rose unless the Chair recognized me?

The PRESIDING OFFICER. The Senator did not state that he rose to a question of order.

Mr. OWEN. Mr. President, I rose to address myself to the question of order, and the Chair did not recognize me, but insisted upon putting the demand for the yeas and nays.

The PRESIDING OFFICER. Does the Senator now rise to that question?

Mr. BAILEY. But one question of order can be entertained at one time, I submit to the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. On that I ask for a division.

There were, on a division—ayes 45, noes 11.

The PRESIDING OFFICER. The decision of the Chair is sustained by the Senate.

Mr. OWEN. I call for the yeas and nays.

The PRESIDING OFFICER. On what question?

Mr. OWEN. On the question just announced by the Chair that the decision of the Chair is sustained.

The PRESIDING OFFICER. On this question the Senator from Oklahoma demands the yeas and nays.

Mr. SMITH of Michigan. What is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the demand of the Senator from Oklahoma for the yeas and nays upon the decision of the Chair standing as the judgment of the Senate. Is there a second?

Mr. STONE. Pending that, I move that the Senate adjourn until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Pending the demand for the yeas and nays, the Senator from Missouri moves that the Senate now adjourn until 11 o'clock to-morrow morning.

The motion was not agreed to.

The PRESIDING OFFICER. Is there a second for the demand for the yeas and nays made by the Senator from Oklahoma?

Mr. BEVERIDGE. What is the question?

The PRESIDING OFFICER. The Chair has already stated the question.

Mr. BEVERIDGE. I beg the Chair's pardon, but I was called out of the Chamber.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays on sustaining the ruling of the Chair upon the question of order raised by the Senator from Missouri.

Mr. BEVERIDGE. A parliamentary inquiry. What did the Chair rule?

Mr. KEAN. If the Senator had been here, he would have heard it.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Indiana that the Senator from Texas [Mr. BAILEY] demanded that the question on the pending resolution be taken by yeas and nays, whereupon the Senator from Missouri rose. The Chair asked if there was a second to the demand of the Senator from Texas, and, in the opinion of the Chair, there was a second to the demand. The Senator from Missouri appealed from the ruling of the Chair, and stated that he should have been recognized, as the Chair understands.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. The Chair would prefer not to be interrupted during the statement of his understanding of the parliamentary situation.

Mr. OWEN. I should be delighted to have the Chair conclude.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays upon the appeal from the decision of the Chair, which was lost on a rising vote.

Mr. BEVERIDGE. On what point did the Senator from Missouri rise to address the Chair?

The PRESIDING OFFICER. The Senator from Missouri rose and addressed the Chair and made a point of order. The Chair overruled the point of order, and the Senator from Missouri appealed from the ruling of the Chair.

Mr. BEVERIDGE. What was the Senator's point of order?

The PRESIDING OFFICER. The point of order was that he ought to have been recognized when the Chair was putting the demand of the Senator from Texas for the yeas and nays.

Mr. BEVERIDGE. I think it is very clear.

Mr. PENROSE and others. Regular order!

The PRESIDING OFFICER. The question is on ordering the yeas and nays, demanded by the Senator from Oklahoma. Is there a second to the demand?

The yeas and nays were not ordered.

Mr. GALLINGER and Mr. PENROSE. Regular order!

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CRAWFORD. Mr. President, I desire to address the Senate.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for that purpose.

Mr. CRAWFORD resumed his speech. After having spoken, with interruptions, for 2 hours and 20 minutes,

Mr. OWEN. I rise to a question of order, Mr. President——

Mr. CRAWFORD. Oh, my good friend——

The VICE PRESIDENT. One moment. The Senator from Oklahoma rises to a question of order. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

Mr. CRAWFORD. My time is being wasted recklessly, because it is going to take me some time to conclude my argument.

Mr. KEAN. The Senator said it would not take him more than 15 minutes.

Mr. CRAWFORD. I did; and I said it in good faith.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Heyburn	Rayner
Bailey	Culberson	Johnston	Richardson
Bankhead	Cullom	Jones	Root
Beveridge	Cummins	Kean	Scott
Bourne	Curtis	La Follette	Shively
Bradley	Davis	Lorimer	Simmons
Brandegee	Depew	McCumber	Smith, Md.
Briggs	Dick	Martin	Smith, Mich.
Bristow	Dillingham	Nixon	Smith, S. C.
Brown	Dixon	Oliver	Smoot
Bulkeley	du Pont	Overman	Stephenson
Burnham	Fletcher	Owen	Stone
Burrows	Flint	Page	Swanson
Carter	Foster	Paynter	Thornton
Chamberlain	Gallinger	Penrose	Warner
Clapp	Gamble	Percy	Watson
Clark, Wyo.	Gronna	Perkins	Wetmore
Crane	Guggenheim	Piles	Young

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken about half an hour he yielded to Mr. OWEN.

Mr. OWEN. I raise the point of order that there is no quorum.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. BAILEY. I was just going to suggest that no business has intervened since the last call.

Mr. OWEN. I call attention to the precedents in this case. In a similar case the Senate has heretofore held, as will be found in Gilfrey's Precedents, that discussion comprises business.

The VICE PRESIDENT. The Senate has repeatedly held that discussion is not business, but the present occupant of the chair, regardless of that rule, at any time when a reasonable length of time has been consumed in discussion and it was reasonably apparent that a quorum was not present, should entertain the demand for a roll call. But where, as in the present case, a roll call has twice been demanded within the last 40 minutes and each time upward of 70 Senators have answered to their names, there having been no intermediate business save discussion, the Chair sustains the point of order made—that a Senator can not raise the point that there is no quorum present.

Mr. OWEN. Mr. President, I call attention of the Chair to the empty seats, now obvious, which show plainly there is no quorum present.

Mr. BEVERIDGE. I suggest that the Senator withdraw his suggestion of the absence of a quorum for the present, in view of the fact that the Chair has held that if a reasonable time has elapsed, in the opinion of the Chair, a Senator has his rights under the rules, and that until the Chair thinks a reasonable time has elapsed, no point of this kind be made. If at that time the same point is made, of course there will be discussion upon that ruling. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which is the speech of the Senator from South Dakota.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. CRAWFORD. I do.

Mr. BACON. I want to make a remark upon the point of order. I am unwilling that the ruling of the Chair, which he has just made as to the question of the right to call for a quorum, shall pass with the apparent acquiescence of the Senate.

Mr. BEVERIDGE. It did not.

Mr. BACON. I shall not now at this late hour of the night endeavor to appeal from the ruling of the Chair, but I am unwilling for it to pass without an expression of my dissent. I do not think that there is anything in the rules of the Senate or in the general principles of parliamentary law which will sustain the ruling, with all deference to the Chair. Of course the Chair will not misunderstand me.

The VICE PRESIDENT. Certainly not.

Mr. BACON. I make the suggestion simply with the view that whenever the question comes up hereafter it will not appear to have been made with the acquiescence of the Senate.

Mr. BAILEY. Mr. President, I may be mistaken, but I am under the impression that many times in the House and also in the Senate this precise question has arisen, though on a different motion. My impression is that where motions to adjourn were repeated the Speaker of the House has held over and over again that mere discussion was not intervening business. I have sent for the Precedents of the House. If I am mistaken about that, I was mistaken about the point of order; but I think it will be found that without distinction of politics the Speakers of the House have held that it was not competent to repeat motions to adjourn with nothing but discussion intervening between them. If I am not mistaken, one of the most distinguished Speakers which the State of Georgia ever furnished to the House of Representatives during my membership of that body held that precise question.

Mr. BACON. Mr. President, I do not wish in any manner to take issue with the learned Senator as to what may have been done in the other House. I simply wish to remark that the methods in the House are altogether and fundamentally different from the methods in the Senate.

Mr. BAILEY. That is true, but on the particular question as to whether discussion is intervening business or not, I take it the rule would be the same in both bodies.

Mr. BACON. No; Mr. President, not the same, for the fundamental reason that the House proceeds upon the assumption of the presiding officer to exercise a discretion which is not allowed to a presiding officer in this body. The distinguished Senator from Texas himself said a few weeks ago that the Presiding Officer of the Senate occupies a very different relation to this body from that which the presiding officer of the House occupies to that body. The presiding officer of the House is a Member of the House; he is elected by the House; he is the representative of the dominant party of the House, whereas in the Senate it is altogether different.

The Presiding Officer of this body is not a Member of this body; he is not elected by this body; he is not the representative of this body; he is not responsible to this body. This body controls itself and is not to be controlled by its Presiding Officer, except so far as he is called upon to administer the rules of this body.

There is a vast distinction between the two. In the one case the presiding officer of the House is a Member of that body, chosen by that body, responsible to that body, and the representative of the dominant party in that body is clothed with power to exercise a discretion as to whether or not he will recognize a Member, whether or not he will entertain a motion, because if he decides wrong it is always within the discretion

and power of that body, if necessary, to depose him from his office. That is not the case here. This Senate is a self-governing body, and the only power that the Presiding Officer has is to administer the rules of this body. He has no other.

Mr. President, if the Senator will permit me to proceed, I desire to state again—with all deference to the Presiding Officer and with no disposition to criticize in any way, but simply to express an honest difference of opinion in this matter—the ruling of the Chair necessarily assumes to the Chair the exercise of a discretion to determine when the matter shall have progressed to a stage where the Presiding Officer will recognize it as intervening business, recognizing that in some instances it will be intervening and in other instances not intervening business. I respectfully submit that the Presiding Officer of the Senate has no such power, because he is not a Member of this body, he is not responsible to this body, and he can not, in case he rules wrongly, be called to account by this body.

The VICE PRESIDENT. May the Chair call to the attention of the Senator from Georgia a ruling made in the Fifty-fourth Congress, and may the Chair read it?

Mr. Hill raised a question of order, viz, that when the presence of a quorum was determined by the last roll call a Senator can not immediately thereafter suggest the absence of a quorum, no business having intervened; and

The Presiding Officer (Mr. BACON) sustained the point of order.

[Laughter.]

Mr. BACON. I am entirely familiar with that case.

The VICE PRESIDENT. In the last Congress it was repeatedly held by the Chair, and the Chair was repeatedly sustained by the Senate, that debate was not intervening business.

Mr. BACON. Mr. President, I may be permitted to rejoin to the precedent cited by the Chair at the time I had the honor to occupy it, that it does not correspond with the question which is now before the Senate. I recollect the occasion distinctly. I then had the honor to be in the chair when the then Senator from Pennsylvania, Mr. Quay, called for a quorum, and the roll was called. Immediately thereafter, not after debate, but before there had been any debate, he called again for a roll call on the ground that there was no quorum. There had been literally nothing done. It is not a case, Mr. President, where it had been ruled that the roll having been called and debate having proceeded with, when the roll was again called that was not intervening business. It was a case where the roll was called and a quorum disclosed by a call of the roll, and immediately thereafter the Senator from Pennsylvania again demanded a roll call, alleging that there was no quorum present. I think the then occupant of the chair, who happened to be my own unimportant self, correctly ruled, there having been no debate, no question, no proceeding of any kind, that there had been no intervening business. If the occasion was one in which there had been debate, and the occupant of the chair at that time had ruled that there had been no intervening business, and for that reason no roll could have been called, I would certainly stand confounded by my own decision at that time; but that was not the case.

I want to submit to the Chair this proposition: If you will leave out of question for the present the exercise of discretion by the Chair, it amounts to this: That a Senator can take the floor and he can announce to his party, "I am going to speak for the next five hours, and you all can go off and go to bed and go to sleep; there can be no call for a quorum during that time, because I will not yield the floor, and the fact that there has been no business, except debate, will be recognized as a conclusion that there has been no intervening business, and consequently no roll can be called. On the contrary, our opponents will have to stay here, because they do not know what minute I may stop or what minute I may demand a vote. Therefore you can take your ease. I can hold my political opponents here indefinitely; they can not call and bring you back, but they can not leave, because I have got the floor and they do not dare to leave while I have it." Of course, Mr. President, that is a reductio ad absurdum. The only alternative to that is that the Presiding Officer of this body shall exercise a discretion to determine when a sufficient amount of debate has been had to justify his decision that it is an intervention of other business.

Mr. SCOTT. Regular order!

Mr. BEVERIDGE. That is just what the Chair assumed to do.

The VICE PRESIDENT. The regular order is demanded.

Mr. BEVERIDGE. This is the regular order.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota [Mr. CRAWFORD].

Mr. BAILEY. Will the Senator from South Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. BAILEY. I simply want to say, in reply to the statement of the Senator from Georgia, that I recently called attention to the fact that the Presiding Officer of this body was not chosen by it, but the Senator omits to say that I made that statement merely for the purpose of insisting that the Presiding Officer must administer the rules of the Senate in the light of the precedents of the Senate.

I did not mean to say then, and I would not say now, that the circumstance that the Vice President of the United States is made by the Constitution the presiding officer of the Senate takes from him the power to construe the rules of the Senate.

Mr. BACON. I know, Mr. President——

Mr. BAILEY. Or the power to enforce those rules according to general parliamentary law. That is the whole of the suggestion. I repeat, though I repeat it with no great degree of confidence, but I repeat that my impression is that the Speakers of the House of Representatives have for many years held that a motion to adjourn could not be repeated as discussion proceeds, because they have held that debate is not intervening business. I may be mistaken about that, but if I am, then I misunderstand the Precedents. I do not think I do.

Mr. BACON. The Senator can not state it more strongly than I would do.

Mr. SCOTT. I ask for the regular order. We are staying here——

The VICE PRESIDENT. The Senator from West Virginia demands the regular order.

Mr. SCOTT. To hear the Senator from South Dakota. I want him to go on with his speech.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota.

Mr. BEVERIDGE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. One moment, until the Chair gets through making the statement. The Senator from South Dakota has the floor. He can continue, but he can not yield to another in the face of an objection, and a demand for the regular order is an objection. So the Senator from South Dakota must proceed or yield the floor.

Mr. CRAWFORD. I am perfectly willing to proceed.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator rise to a point of order?

Mr. CULBERSON. I rise to ask the Senator from South Dakota to yield to me for a moment.

The VICE PRESIDENT. The Senator from West Virginia [Mr. SCOTT] has demanded the regular order, which precludes the Senator from South Dakota yielding, the Chair regrets to say.

Mr. SCOTT. I object. I demand the regular order.

Mr. CULBERSON. Mr. President, I rise for the purpose of reading——

Mr. SCOTT. I object.

The VICE PRESIDENT. The Senator from Texas can not do that in the face of the objection of the Senator from West Virginia. The only thing in order is the speech of the Senator from South Dakota.

Mr. CULBERSON. I appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair has made no decision.

Mr. CULBERSON. The Chair has ruled that there was no intervening business, although half an hour had elapsed since the previous roll call.

The VICE PRESIDENT. That was half an hour ago.

Mr. BEVERIDGE. Nothing has occurred since——

The VICE PRESIDENT. That was half an hour ago, and the Senator from South Dakota has proceeded since.

Mr. CULBERSON. Now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair has four times counted those present in the Senate during this discussion, and 46 is the least number of Senators who have been present here at any time during this discussion.

Mr. BEVERIDGE. A parliamentary inquiry, Mr. President.

Mr. SCOTT. I demand the regular order.

The VICE PRESIDENT. Four times——

Mr. BACON. I rise to a point of order.

The VICE PRESIDENT. The Chair will recognize the Senator from Indiana, not as a matter of right, but the Chair will recognize the Senator from Indiana to make a parliamentary inquiry.

Mr. BEVERIDGE. The parliamentary inquiry is this: Does the Chair assume the right to count a quorum? The Chair has just stated——

The VICE PRESIDENT. Under certain circumstances the Chair does; under existing circumstances the Chair does.

Mr. SCOTT. I call for the regular order.

Mr. BEVERIDGE. I appeal from that ruling.

Mr. CULBERSON. I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. I make the point of order, Mr. President, that there is no quorum present, and that the Chair is in error in attempting to count a quorum.

The VICE PRESIDENT. At the present time the Chair will order the Secretary to call the roll.

Mr. CULBERSON. Very well.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Johnston	Shively
Bailey	Crane	Jones	Simmons
Beveridge	Crawford	Kean	Smith, Md.
Borah	Culberson	La Follette	Smith, Mich.
Bourne	Cummins	Lorimer	Smith, S. C.
Bradley	Davis	McCumber	Smoot
Brandegee	Depew	Martin	Stephenson
Briggs	Dick	Nixon	Stone
Bristow	Dillingham	Oliver	Swanson
Brown	Dixon	Owen	Thornton
Bulkeley	du Pont	Page	Warner
Burkett	Fletcher	Paynter	Warren
Burnham	Foster	Penrose	Watson
Burrows	Gallinger	Percy	Wetmore
Burton	Gamble	Perkins	Young
Carter	Gronna	Piles	
Chamberlain	Guggenheim	Root	
Clapp	Heyburn	Scott	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names, and a quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BAILEY. Mr. President, I have examined the Precedents as well as I could in a hurry, and I find that I was mistaken as to what the Speaker of the House held on the question of intervening business, within the meaning of the rules. I do not find the later decisions which I thought I would find, but I find as early as 1834 the Speaker of the House held debate was intervening business.

I make acknowledgment of my mistake, and I desire to have that acknowledgment appear in the RECORD.

Mr. CRAWFORD resumed his speech. After having spoken for 25 minutes,

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. CULBERSON. In order to keep the matter along systematically I desire to read the first paragraph from the Precedents on the page from which the Chair read a few moments ago.

The bill (H. R. 174) repealing the duty on tea and coffee being under consideration, a call of the Senate was had, followed by a motion to adjourn, which was not agreed to. Without debate, another motion to adjourn was made, which the Presiding Officer [Mr. Ferry of Michigan] ruled out of order, "no business having intervened."

Discussion having taken place, a third motion to adjourn was made, to which an objection was made. The Presiding Officer [Mr. Ferry of Michigan] said "there was discussion that intervened, and therefore business of the Senate." (See Cong. Globe, p. 2627.)

I want to insert this in the RECORD in connection with what was said by the Chair.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Texas to the fact that all that took place in the Forty-second Congress, and the ruling to which the Chair referred took place in the Fifty-fourth Congress and subsequently in the Sixtieth Congress; the Senate twice voted that debate was not intervening business, once upon the direct question submitted by Vice President Fairbanks and, second, upon a motion made by the Senator from Rhode Island [Mr. ALDRICH] to lay an appeal on the table.

Mr. CULBERSON. Upon all of which protests were entered.

Mr. BEVERIDGE. Which later was reversed.

Mr. CULBERSON. The Chair to-night read only the ruling made by the Senator from Georgia [Mr. BACON].

The VICE PRESIDENT. That is quite right. That is all the Chair read.

Mr. CULBERSON. The Senator from Georgia explained that by showing that the demand for a roll call was immediately after a roll call had disclosed the presence of a quorum.

The VICE PRESIDENT. Yes.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I do not want to prolong the discussion of this most important matter at this late hour. I rose only in view of what the senior Senator from Texas has just said to us, to say that when this matter comes up at a more convenient time, if it should be insisted by anyone that a quorum may not be suggested, intervening debate having taken place, a question will be raised in the opinion of Senators on both sides of the Chamber quite as important as the pending question itself, at which time there will be a presentation of the precedents and authorities. Familiar as the Senator from New Hampshire is with the ruling made at the time the emergency currency bill was pending and about to pass, that ruling, as the Senator from Texas has well said, was made under protest, and was, as the records will show, not adhered to at later sessions.

That is all I desire to say at this juncture.

Mr. GALLINGER. Will the Senator from South Dakota yield to me a moment?

Mr. CRAWFORD. Certainly.

Mr. GALLINGER. I simply want to add in this connection—and I thank the Senator from South Dakota for permitting me the privilege at this time—it occurs to me it would be a very unfortunate thing if we broadly decide that debate is business, because a Senator holding the floor can utter one sentence, a point of order can be made that there is not a quorum present, the Senator can utter another sentence and a point of order again and again be made. So I think we ought to guard that matter very carefully, and not upon the broad proposition that debate is business, absolutely put the Senate in an attitude where it could not possibly transact the public business. So we could destroy the Government if we agreed to that proposition.

Mr. BEVERIDGE. Mr. President, will the Senator from South Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I yield.

Mr. BEVERIDGE. I do not desire to interrupt the Senator to discuss this question, which is, I repeat, a question as important as the pending one, more than to say now that it will be very fully discussed, and to answer the suggestion of the Senator from New Hampshire.

The Senator suggested what all Senators here know, and especially the Senators on the other side know to be the fact, that this rule once established means possible cloture in this body. The question will be fully presented as to whether we are going to change the constitution of the United States Senate, our rules of procedure; whether we are going to end the practice of a century and a quarter and begin by a series of rules to adopt cloture in this body.

I myself am a Republican and I am from the North; but, as I have stated before in more than one debate in this Senate as against the position of some of my own party, I myself got my first convictions upon this subject from the exhaustive learning and unanswerable arguments of my predecessor in this body—Senator Turpie. I regard it as a question of fundamental importance, and as was stated, and I think the Senator from New Hampshire concurred in that statement about a year and a half ago, rules had been made under the heat of circumstances which, if adhered to, would mean absolute cloture in this body. But this will be gone into quite fully.

Mr. CRAWFORD. Mr. President——

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. CRAWFORD. I do.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll, 40 minutes having elapsed since the last roll call.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Crane	Heyburn	Shively
Bailey	Crawford	Johnston	Simmons
Beveridge	Culberson	Jones	Smith, Md.
Bourne	Curtis	Kean	Smith, Mich.
Bradley	Davis	Lorimer	Smith, S. C.
Brandegee	Dick	Martin	Smoot
Briggs	Dillingham	Nixon	Stephenson
Brown	Dixon	Oliver	Stone
Bulkeley	du Pont	Overman	Swanson
Burkett	Fletcher	Page	Taylor
Burnham	Flint	Paynter	Thornton
Burrows	Foster	Penrose	Warner
Carter	Gallinger	Percy	Warren
Chamberlain	Gamble	Perkins	Watson
Clapp	Gronna	Piles	Wetmore
Clark, Wyo.	Guggenheim	Root	Young

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. CRAWFORD. I do.

Mr. BACON. I want to ask the Senator if he will not yield to me in order that I may take a moment of the time of the Senate as to this matter.

I want to say, Mr. President, that I do think, with all deference to the gentlemen who disagree with me on this subject, that a question of the right of a Senator to a seat in this body ought to be discussed fully, and ought to be determined with the utmost candor and care; that it ought to be treated with a dignity that far surpasses any requirement of dignity in any other matter this body can be called on to consider.

I want to ask if Senators, after reserving enough time to fully discuss this question, will not now agree on some day and some hour upon which we may take a vote upon the question whether the Senator from Illinois [Mr. LORIMER] is entitled to a seat in this body. I do think that every consideration of the dignity and the high character of this body and the high character of the question invokes at our hands a proceeding altogether different in its character from any other proceeding I can imagine requiring the consideration of this body. I appeal to Senators to fix a date, whenever they wish; I appeal to them to let us wrangle about other matters, but upon the great question whether a Senator has a right to a seat on this floor let us treat it differently from what we would other matters of contention and let us fix a time when this vote may be taken.

I do not suggest the time myself; I am willing for any time to be adopted that will give the fullest opportunity for every Senator who desires to do so to express himself upon this subject. I say to the Senate very frankly, I will not discuss this question. This is the first time my voice has been raised in the Senate upon this subject. I have, however, made a very careful study of it; I have come to a conclusion in regard to the matter which I am ready to express by my vote. I have no doubt that every other Senator has done the same thing. It does seem to me that we ought to put aside all other considerations, in view of the high character of the question that is involved and the great responsibility which rests upon us. I invoke Senators to the putting aside of all other considerations whatever and coming to a conclusion in regard to this matter. I will fix any date that Senators may suggest as the most remote date which may be needed. We have other matters to contend about; let us contend about other matters; but this is too big a question, too solemn a question, too far-reaching a question, and one too influential in its results, so far as it may affect the future, for us to trifle with it in any way or deal with it in any way except in the most solemn of all our capacities—the capacity of judges. This is not an ordinary question.

Mr. President, I repeat, this is the first time my voice has been raised on the Lorimer case, and whatever may be my judgment as to the vote I shall cast, whatever may be the judgment of any other Senator, I do think the time has come when we should put aside everything else except a recognition of our obligation in the most solemn of all matters, to discharge one of the highest of all obligations. I will ask now if the Senators will agree that we shall take a vote, say, at any hour on Friday next?

Mr. LA FOLLETTE. Mr. President, with the same obligation that the Senator from Georgia expresses, I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, at the time the Senator from Georgia [Mr. BACON] began his address this afternoon, when I gave way to him, I had commenced to make some comment upon some phases of the testimony taken by the Committee on Privileges and Elections. I was referring to a statement made by a partner or quasi partner of Charles A. White. It seems that at one time White was engaged at O'Fallon, Ill., in a sort of real estate and insurance business, and he had a partner there named John W. Dennis. Mr. Dennis was in a position to know something about Mr. White's movements and something about Mr. White's financial condition. Mr. Dennis was called as a witness in this case, and he testified that on about the 15th day of June White, who did not have a dollar on earth according to his testimony, left O'Fallon, Ill., and went to Chicago.

Mr. Dennis says that Mr. White was gone for a day or two and then returned to his home at O'Fallon; that he saw him the next day after his return in his office; that Mr. White had there the sum of $200 in money—currency—he saw it lying on the table and saw him handling the bills—bills of large denomination. That testimony in itself indicates this much: That Mr. White went to Chicago without money and came home with money. Mr. White says that during his visit to Chicago he met Mr. Browne in the Briggs House, and Mr. Browne admits that he met him there; Mr. Browne admits that he gave White some money there, but claims that it was a mere loan, and only a small amount. Mr. Dennis can not be charged with having the slightest interest in the result of this investigation. It does not appear that it makes the slightest difference to him whether Mr. LORIMER remains as a Member of this body or goes out of it. No possible motive has been shown on his part to tell anything except the truth about this matter, which was one of simple observation on his part. No attempt was made to discredit Mr. Dennis; no attempt was made to show that his testimony was in any particular contradictory or unworthy of belief. Not the slightest attempt was made anywhere to show that he is not a reputable citizen, a credible witness in every respect; and he brings his story here under oath and it is put in the record in this case. The fact is that this dissolute man, without a dollar in the world, left his home and went to Chicago; the admission of Browne is that he met him there; that they had some transaction with each other, and that he returned with a considerable sum of money.

I was commenting on the fact, just before I gave up the floor this afternoon, that Mr. White, upon his return from Chicago, went over to a department store in his town late in the afternoon, apparently too late to get into the bank. He knew one of the employees there, Mr. Hollander, as I recollect, and he asked Mr. Hollander if he would not make some arrangement by which he might leave some money he had in his office with the cashier of that department store during the night. Mr. Hollander went to the cashier of the store, Mr. Kirkpatrick, and made the request of Mr. White known to Mr. Kirkpatrick, and brought Mr. White to Mr. Kirkpatrick. Kirkpatrick took an envelope and handed it to Mr. White, who took it, counted out a large amount of money, folded it up, put it into the envelope, sealed it up, wrote the amount of money, $800, on the outside of the envelope, wrote his name on the envelope, and handed it to Mr. Kirkpatrick, who put it into the vault of that department store and kept it over night; that the next morning, along about half past 8 or 9 o'clock, Mr. White called and got his envelope and this money. Mr. Kirkpatrick or Mr. Hollander—I do not recollect at this moment which, but one or the other of them—was called as a witness, put under oath, submitted to examination and cross-examination, and he stated these facts. Nobody has ever attempted in the slightest degree to discredit this witness. There is not a thing in the record to indicate that he is not a perfectly trustworthy reputable citizen of O'Fallon, Ill. Not one thing indicates that his story was not credible and worthy of belief. He could not have the slightest interest in the event of this inquiry. It could mean nothing on earth to him personally. No motive on his part to tell a falsehood or commit perjury has any foundation whatever, and it would be the most unreasonable thing in the world for anyone to conclude that this statement of the employee in the department store of O'Fallon, Ill., is untrue.

So you have Mr. Dennis, of O'Fallon, Ill., an acquaintance of Mr. White, one acquainted with his financial situation, one knowing of his movements, giving testimony that he left O'Fallon on a certain day, went to Chicago, and returned with an unusual sum of money in his possession. You have this testimony of the employee in this department store giving in detail the facts with reference to his having $800 in money and leaving it in that department store. Are Senators to say that this testimony is to be brushed aside; that it is unworthy of any consideration whatever; that it is not entitled to any belief? Upon what ground? Upon what theory? What foundation is there for such a claim as that?

But it does not stop there. Miss Vandeveer, a stenographer, a young lady living at O'Fallon, Ill., had done stenographic work for this man White in his insurance business and in his real-estate business. He was owing this young lady for her services some $50 or more. I think he paid her some $50.50, and he owed her considerably more than that.

After he returned from Chicago upon this occasion—when he went there at the invitation of Mr. Browne, Mr. Browne admitting that he had an interview with him in the Briggs House—when he returned from Chicago to O'Fallon, Miss Vandeveer, his stenographer, says that he called her into his office the next day and there, at his request, they made out a list of his indebtedness to different people in O'Fallon; they made out a list of creditors to whom he was indebted there in that neighborhood; that then they were called in one after another and he made settlements with these creditors of his; that she assisted in the transaction; that they conversed together about it; that she compromised her indebtedness with him, which was something like $80, as I recall, and accepted

fifty dollars and some cents, and gave him a receipt for the money. She says the money lay on the table, that it was a rather unusual sum for White to have, that she noticed the large denominations of the bills, and that it was yellow-backed money—gold certificates and bills of that character. This girl noticed that. She assisted in making up this list; she assisted in the transaction of paying these different creditors of Mr. White; and she went on the stand and gave her testimony to that effect.

I want to ask Senators if there is any reason why the testimony of this girl should not be accepted as testimony worthy of belief—as credible testimony—a most straightforward story told in a natural manner, and so natural in detail that one could not but be impressed by its truthfulness? Why should it be brushed aside? Why should it be disregarded? Why should it be considered as unworthy of any weight as testimony in this case? There is no basis on earth for indulging in any such presumption as that or for drawing any such conclusion as that.

A stenographer, performing the simple services of a stenographer in an office, perhaps working in several other offices performing such service, and witnessing this business transaction, was called by the committee, put under oath, and gave this testimony in that simple, straightforward manner, and was corroborated.

Mr. President, as to the evidence of Mr. White having received money from Mr. Browne on the 16th day of June, after the adjournment of the legislature at Springfield, I have been showing corroborative testimony from a disinterested source and of a disinterested character, because a very savage attack has been made upon Mr. White's statement as coming from a man so degraded that it was unworthy of belief. I am calling attention to testimony that can not be attacked upon grounds of that kind; and I have instanced here the testimony of a former partner of his, Mr. Dennis, of O'Fallon, Ill., a disinterested witness, against whose character not one single charge has been made and against whose testimony not one single inconsistency or contradictory feature has been designated. I have also called attention to the testimony of Mr. Hollander, an employee in a store at O'Fallon, Ill., where Mr. White upon his return from Chicago deposited $800 in cash; and not one single charge against the character of Mr. Hollander or against his testimony has been presented here.

I have also called attention to the testimony of Miss Mollie Vandeveer, the stenographer, who was in Mr. White's office when he counted out the money and made payments to his creditors the next morning after he returned from Chicago. Not one single charge of inconsistency or of contradiction is laid against the testimony of the stenographer, Mollie Vandeveer; not a breath of suspicion against her credibility as a witness has been brought. There you have three—Hollander, in the store, who saw the $800 in cash; Dennis, the former partner, who knew of the visit to Chicago and saw the money in White's possession on his return; and Mollie Vandeveer, the stenographer, who saw it on the office desk and saw him making these payments with it.

And you have something more than that. You have in the record the bills themselves of Mr. White's creditors, at O'Fallon, Ill., with whom he made settlement that next day after his return from Chicago. You have those bills receipted by these creditors and put in the record in this case. Do you want better corroborative testimony than that? If the fact of White having money in his possession after his return from Chicago is not established by that testimony, disinterested, positive, direct, and simple, then you can not prove a fact.

A man can be hanged on the gallows, and would be by the verdict of 12 disinterested jurymen upon testimony as conclusive as that; and how can Senators undertake to say there is no testimony corroborating the statement of Mr. White that he met Mr. Browne in Chicago on the 16th day of June and received this money from him at the hotel in Chicago, the Briggs House, when, under date of June 16, 1909, the date when White says he met Browne there and had this transaction with him? Upon the hotel register in the Briggs House in Chicago is the name of Lee O'Neil Browne, made at that time.

Little circumstances like that are the strongest kind of testimony. The straws for which no particular individual can be responsible, but which are the necessary incidents to all human transactions, are the strongest kind of testimony, stronger by far than mere oral testimony; and there is the name on the hotel register of the Brigg House in Chicago, on June 16, at the time when White says he met Lee O'Neil Browne and got this money from him; there is the signature of Lee O'Neil Browne upon the hotel register. Pretty good testimony; pretty strong corroborative testimony. They fit together like links in a chain. They fit together like pieces of dovetail. John W. Dennis, at O'Fallon, White's partner, saying he went to Chicago on the 15th. He returned on the 17th or the 18th, and he had this money when he came back and did not have it when he went; the admission of Browne that he met him in Chicago on the 16th, Browne's name on the register on that day; the testimony of Hollander, in the department store, that Browne on his return came into the store after banking hours and left $800 in cash; the testimony of Mollie Vandeveer that she helped him to make out a list of the creditors and the amounts and assisted him in paying these bills; the receipted bills themselves—do you want any better corroborative testimony than that?

No one has attempted to overthrow a single one of these corroborative collateral facts. Now, I say that it establishes the fact that Mr. White went over to Chicago a few days after the legislature adjourned, met Browne there, and came back with money which he could have received from no one but Browne. Nothing to indicate that he saw anyone there but Browne, nothing to show that he had any transactions with anybody else there save Browne. Corroborated by all these disinterested witnesses, and you can draw but one conclusion, my fellow Senators, and that is that for some reason or other he met Browne there, and Browne gave him this money.

What did he give it to him for? Has anybody ever offered any explanation except the one that is testified to positively in this record? The Senator from Illinois [Mr. LORIMER] in his statement the other day made no reference to anything of this kind. He left it severely alone. Can you leave it severely alone? Upon what theory? It is corroborated by disinterested witnesses, by record testimony made at the time. There is no escape from it.

So here is one man who got money, got in over in Chicago from Lee O'Neil Browne on the 16th day of June, 1909, after this legislature adjourned. He got $900. He had received $100 down in Springfield before he left there. I have called attention to this one instance to show that the testimony of the receiving of money has the strongest sort of corroboration from disinterested witnesses, from disinterested sources.

Now, we take one of the others. Take Beckemeyer. Beckemeyer was in St. Louis, he says himself, on the 21st day of June, 1909, and on the 15th day of July, 1909. He says that on the 21st day of June, 1909, he went there at the request of Lee O'Neil Browne, from whom he had received a communication of some sort, either by letter or by telegram, requesting him to come, and that he went. He met Lee O'Neil Browne at the Southern Hotel in St. Louis; that he received from Mr. Browne there $1,000, which Mr. Browne told him was Lorimer money; that afterwards, on the 15th of July, he was requested to go there again, and that he went, and there he met at the same hotel Robert E. Wilson, a Democrat from Chicago, who had voted for Mr. LORIMER, and that Robert E. Wilson paid him in cash $900.

You can say: What is the corroboration of that? The record is full of it, and it is that sort of corroboration that is absolutely convincing. For instance, Mr. Beckemeyer went over to the Commercial Trust Co. in St. Louis upon the very day that he met one of these men in St. Louis to deposit $500 in cash. He had to be identified and he called a man with whom he was acquainted, James Gray, who knew the officers of the bank, to go with him and identify him to the officers of the bank. This man was called as a witness. Was he an interested witness? Not at all. Any charge laid against him as being unworthy of belief? None whatever. Any claim that his testimony is improbable and inconsistent and unworthy of belief? None at all. Not a single claim of that kind is made; and this man testifies that he went in and introduced Mr. Beckemeyer to the officers of this bank; saw him count out this money; saw a hundred-dollar bill in the roll; saw him put it in the bank.

Now, that is a circumstance to corroborate Mr. Beckemeyer, who says that on that very day he met Browne or he met Wilson, whichever one he met that particular day, at the Southern Hotel, and he paid him this money, and he had it on his person, and he wanted to do something with it, and he got this friend to identify him over at the Commercial Trust Co., and he made a deposit of this considerable sum there. Is not that corroborative testimony? If not, I do not know what corroborative testimony is. It is a circumstance that fits into and supports and sustains the testimony of Beckemeyer himself.

Beckemeyer testifies that he met Browne in St. Louis upon the 21st day of June, and there upon the register of the Southern Hotel, in St. Louis, under date of June 21, we find the name of Lee O'Neil Browne. Is that corroborative testimony? Certainly it is corroborative testimony and proves conclusively that Lee O'Neil Browne was in St. Louis, was at the Southern Hotel, had engaged a room at the Southern Hotel, just as Becke-

meyer stated he had been there that day, had been at this hotel, had a room in it, and met him in that room; and no concerted arrangement between Beckemeyer and the clerk of the hotel could be presumed by which through some sort of concert they were manufacturing testimony of this kind. Such a conclusion as that would be perfectly wild and ridiculous; and yet here are two independent facts established from two independent sources—the testimony of Mr. Beckemeyer that he met Lee O'Neil Browne on the 21st day of June at the Southern Hotel in St. Louis in his room in that hotel, and the hotel register of the Southern Hotel, under that very date, showing that Lee O'Neil Browne was there; that he had engaged a room there.

Strange coincidence if this is manufactured testimony, a wonderful guess on the part of Beckemeyer if he was making up a false story and happened to guess a day when the register of this hotel showed that Browne was there. That is nonsense, the wildest sort of nonsense. That is the wildest kind of fancy—to undertake to get away from facts that have been established as these have been established by asserting that this is not credible testimony.

He said he went back on the 21st day of July, and at this same hotel he met Robert E. Wilson, and that Robert E. Wilson paid him $900; and when you consult the hotel register of the Southern Hotel at St. Louis under date of July 21, you find there the name of Robert E. Wilson, of Chicago, Ill., and that he had been assigned a room that day at that hotel.

Do you call this manufactured testimony? Do you say that is not worthy of belief; that this man Beckemeyer is manufacturing a story; and yet he fixes upon a day when he met Robert E. Wilson at the Southern Hotel in St. Louis, and the clerk of the hotel produces the register of the hotel and there upon that very date is the name of Robert E. Wilson, assigned a room?

What are you going to do with corroborative proof of that kind? How are you going to get away from it? Try to snuff it out, wipe it out, ignore it by saying it is not worthy of belief? Does the register at the Southern Hotel at St. Louis commit perjury also? Is the register at the Southern Hotel in St. Louis committing perjury, and is it a confessed criminal that you will not believe? Utterly ridiculous! You can not get away from it.

That is not all. Mr. Beckemeyer says that when he met Lee O'Neil Browne at the Southern Hotel in St. Louis on the 21st day of June he also met there in Mr. Browne's room in that hotel Mr. Link, Mr. Luke, Mr. Clark, Mr. Shephard, all of whom were members of the legislature, all of whom were Democrats, all of whom had been in Springfield during the session which closed only a few weeks before at which Mr. LORIMER was elected United States Senator. Is he corroborated in that? Just mark that. He says that on that day in the Southern Hotel he met Mr. Browne and he also met these other members of the legislature—Shephard, Clark, Luke, Link—that they were all there.

Is that corroborated? Yes; it is corroborated by these very men themselves. Browne admits it except that he says his recollection is that Clark was there. But Clark was the only one who says he was not there, and Browne says that since Joe says he was not there it may be that he was mistaken. But Link says Clark was there; Shephard says Clark was there; Beckemeyer says Clark was there; and Browne says he thinks Clark was there; that it is his recollection that Clark was there. Do you want any better corroborative testimony? Each of these men not only admits that he was there himself, all with the exception of Clark, but admits that he saw these others there. If that is not corroborative testimony, then I do not know what corroborative testimony is. It fits together, dovetail fashion. It fits together like the links in a chain.

You are not dependent upon Beckemeyer's statement alone, because you have to support the statement of Browne, the statement of Link, the statement of Shephard, and these other witnesses, and you have the hotel register to go along with the rest. That is pretty good testimony. Men have been hung many times on weaker testimony than that. I would not be afraid to submit that testimony to any 12 honest, fair-minded jurors in any part of the United States, and with absolute confidence I would expect a verdict at their hands that these men were, to say the least, all together in this hotel in St. Louis on this date.

A strange circumstance; a strange incident, unless you find its proper place as a part of the transactions which precede it at Springfield, Ill.

Exactly the same thing is shown with reference to the next meeting, the one at this same hotel in St. Louis on July 15; only at the meeting of July 15 White was there. White was not there at the first meeting, the meeting on the 21st of June; and when you get the history of the facts you see why White was not there. It was not necessary for White to be there. He had met Mr. Browne over at the Briggs House, in Chicago, on the 16th day of June, and he had received his swag—his $1,000 had been paid to him there and at Springfield—and so, when they had the meeting in St. Louis on the 21st day of June it was not necessary for White to be there, and he was not there. They did not even notify him of that meeting, and he did not go; but everyone of the others went, because they had not been paid.

But on the 15th day of July here is a meeting over in St. Louis at which Browne was not present; but Robert E. Wilson, who had been in the legislature and who was one of the Democrats who had voted for Mr. LORIMER, was there in his place; and at that meeting here comes Beckemeyer, here comes Clark, here comes Luke, here comes Link, here comes this whole bunch who had been there and had met Browne there on the 21st day of June. Only the 15th day of July afterwards here they all come back and meet Wilson at this same hotel, and there one after another gets $900 in cash. Link admits that he got $900 in cash; Beckemeyer admits that he got $900 in cash; White admits that he got $900 in cash; Shephard says that he did not, but that statement of Shephard is the only statement as to that fact which is a very improbable one, because Shephard is not able to give any satisfactory reason or explanation of his being there. He can not do it; he can not explain why he was there. He tried to fix up a story as to how he came to be there. He discovered out at his garage that he did not have packing for his auto; that he happened to discover, and it took him over to St. Louis to get new packing just at this time, so that his arrival there would be most timely and would bring him into St. Louis at the very time his confederates arrived there.

It is an invented story indeed, because this man who went over to get some packing for his automobile immediately gravitates over to the Southern Hotel. Immediately after he gets to the Southern Hotel he finds his way up into the room where Lee O'Neil Browne is meeting these other men, or where Robert E. Wilson is meeting these other men. He goes up there, meets these confederates, and is interviewed by Robert E. Wilson in the same bathroom into which Mr. White had been invited, and in which he had been paid, according to his own statement, $900 in cash. He goes into the same bathroom into which on the same day Mr. Link had been invited and in which he had been paid $900 in cash. He goes into the same room into which Mr. Beckemeyer had been invited and in which he had been paid $900 in cash. Mr. Shephard says that he was asked by Mr. Wilson to go into that same bathroom. There was something about that bathroom that seemed to make it a very desirable place in the middle of the day in which these men were not to go there alone, but to be accompanied always by Robert E. Wilson. I do not know in just what condition they could have been, but it was necessary for Robert to go with them.

When Mr. Shephard is asked to explain why he went in there he says, "I am a bachelor, you know, and when I was at Springfield, while the legislature was in session, I had a lady dine with me one day, and when I got up into Mr. Wilson's room in the Southern Hotel, Mr. Wilson took me into the bathroom, and there closed the door, and then in the profound secrecy of that wonderful place he asked me who the lady was that took dinner with me in Springfield." [Laughter.] What do you think of that? Senators who are so incredulous about the statement of these other witnesses, where it is corroborated, as the testimony of White is corroborated by Miss Vandeveer, by John W. Dennis, by Mr. Hollander, who saw the cash when he returned from Chicago, how quickly and readily you believe the statement of Mr. Shephard, that all that was said when they got into that bathroom up there in the Southern Hotel after Mr. Wilson closed the door was that Mr. Wilson asked Mr. Shephard who the lady was he had at dinner with him down at Springfield.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I yield.

Mr. OWEN. I should like to ask the Senator from South Dakota whether this record discloses who the mysterious lady was?

Mr. CRAWFORD. He says it was his sister-in-law.

Now, is that an explanation as to why on a certain day in St. Louis Mr. Shephard, who dropped in there and met these old pals of his at Springfield, with whom he had associated the winter before—incidentally dropped in to see his friend Wilson and have this little exchange of pleasantries, with a confidence about the lady who took dinner with him—happened to be in St.

Louis that day? Ah, that will not do. That is, to use common parlance, entirely too "gauzy."

Mr. Beckemeyer says that when Mr. Wilson was paying him he had a $500 bill, and he says, "I was told to give this to Shephard." Oh, no! what a significant remark for Mr. Wilson to make when he was paying off these other men in the bathroom and had a $500 bill there—"I was told to give this to Shephard." Shephard was a banker. How did this man Wilson come to make such a remark as that? Do you mean to tell me that was a pure invention of H. J. Beckemeyer? Upon what ground—upon what theory—has anyone the right to say that this statement which Mr. Beckemeyer says Mr. Wilson made in the bathroom when he paid him and showed that he had a $500 bill there, "I was told to pay this to Shephard," is mere fiction and to believe Shephard? It is an utterly improbable story that he met this man in the bathroom to have a little talk about his sister-in-law having taken dinner with him down at Springfield months before. Ah, that will not do. Reasonable men will never be satisfied with any such explanation as that.

Then let me tell you something else. This man Shephard is a banker. This man Shephard had a safety vault over in the Commercial Trust Building in St. Louis, and that very day when he was in St. Louis he went to that Commercial Trust Bank and he visited his safety vault. What for, do you suppose? He did not want to take that $500 bill that he had just received from Wilson and put it in an open account. He is a pretty shrewd little fellow, a pretty canny bachelor. Although he could hardly expect reasonable people to accept this story about the conversation in the bathroom relating to his sister-in-law, he did not want to take the $500 bill that he had just received from Wilson and put it in the bank and he visited the Commercial Trust Co. where he had a safety vault. Is that corroborative testimony?

Take the story of these witnesses, each telling his own story in his own way, and mark them all down as the blackest scoundrels on the face of the earth, and yet their testimony dovetails together, not in language, but in the events to which each independently refers, and is corroboratetd by testimony which none of them created, but which exists over and beyond their control.

Mr. President, I have now been giving some of the corroborating testimony that establishes conclusively the fact that there were two meetings of these men who are under the charges put upon them by this record of having corruptly bartered away their votes, and showing the improbability of any claim that they did not hold these two meetings at St. Louis and there receive corrupt money. I am not through with that branch of the case. The corroborative testimony is overwhelming.

Mr. President, when men are conscious of the fact that they are guilty, suspicious of the fact that some one is on their trail, criminals generally act in about the same way—that is, they make fools of themselves. These men in that respect were not exceptions at all. What I mean by that is that when they discovered that White had betrayed them, that White and a detective were looking them up. their conduct is not that of innocent men, but their conduct is that of guilty men. Why? Immediately this man Beckemeyer hurries from his home down to Centralia and meets Joe Clark there. They hustle over to Springfield, and they meet Robert Wilson there. They rush back up to Chicago, and they meet Wilson, they meet Holstlaw, they meet "Manny" Abrahams, and they meet their attorneys. Then they go to manufacturing testimony, and they jump from the frying pan into the fire; they get into the mire deeper and deeper, as men are very apt to do who are guilty. An innocent man is never driven to any such expedient as that; an innocent man, conscious of his innocence, is not impelled by fear to do these ridiculous things.

Beckemeyer was over in "Manny" Abrahams's saloon; he had a saloon keeper from his town along with him; and he says, "I don't know where I am at, now that this story of White's is coming out. We have been away on a fishing trip, and we are going again. Don't tell anybody where we are. I don't know where I am at, now that this story of White's is coming out." Is that the talk of an innocent man? Is not that the conduct of a guilty man? They talk about the meeting at St. Louis. First, they decided that they would deny that they had been in St. Louis at all.

They did just as guilty men, ninety-nine times out of a hundred, will do. They will resort to lying, deception, and perjury to cover up their tracks. They had these hurried meetings. I can almost see them fleeing, trying to get away from the eyes of men that they knew were fixed upon them, to escape from themselves, and to get away from their guilty consciences. You see them fleeing from Chicago down to southern Illinois, and back to Chicago again, saying: "We don't know where we are since this story of White's has come out. We are going fishing somewhere; don't tell anybody where we are. We don't know where we are." Is that a guilty man or is that an innocent man?

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Mr. President, we are all interested in the Senator's description of the fleeing of these innocent gentlemen with their guilty consciences. May I suggest to the Senator that probably they were not fleeing from a guilty conscience, which at no time appears to have troubled them, but from the Nemesis justice. They were fleeing from the wrath to come and were arranging alibis to protect them when that day arrived. As to any guilty consciences, I do not think they had any consciences.

Mr. CRAWFORD. The Senator is right about that. I think I am called upon to withdraw the statement where I used the term "guilty consciences," because the Senator is certainly right. There is no evidence here of a guilty conscience or of any other kind of conscience. [Laughter.]

Mr. BEVERIDGE. That is true.

Mr. CRAWFORD. But they acted like guilty men. Beckemeyer hastened down to see Joe Clark. Joe Clark was the most hardened old criminal in this gang. I think if you want to find a real thoroughgoing, unadulterated, thick-hided, up-to-date criminal, you may find him in one of these lazy, good for nothing police-court magistrates, or policeman in some little country town. Joe Clark was the one to whom Beckemeyer hastened in his flight. Beckemeyer wanted to know if Joe thought it would be all right to absolutely deny that they were in St. Louis at all, and Joe thought that it would be. He had an interview with Link, and suggested to Link that it would be a good thing to absolutely deny that they had been down there at all. Before they met this ingenious police magistrate, however, who advised this short-cut way of protecting themselves by perjury, they tried to fix up another way of explaining how they came to be in St. Louis.

There were two explanations for these two trips to St. Louis. There was one explanation for the first trip, when they met Mr. Browne at the Southern Hotel. Then there was another explanation for the second trip to St. Louis, when they met Mr. Wilson. Explanation first was this: They claimed that the rendezvous where the politicians of southern Illinois met for consultation was at St. Louis. Lee O'Neil Browne was the minority leader, and it was necessary for him to have conferences with his associaties from southern Illinois. Therefore he appointed this first meeting on the 21st day of June, at which he was to meet his leading political associates from southern Illinois at the Southern Hotel for a conference. Mr. Lee O'Neil Browne says that he went there to talk matters over, to have a political visit, to have a social visit, and to spend several days with his companions looking over that great city, which he had only been in once or twice before in his life.

I want to call the attention of Senators to the fact that the only political leaders whom Mr. Lee O'Neil Browne met at the Southern Hotel at St. Louis on the 21st day of June were the particular individuals with whom he had just been associated in the legislature of Illinois many months, and that legislature had adjourned only about a fortnight before this. They had been together all winter and all spring at Springfield, in daily communication there all this time, had just left and gone to their several homes, and yet Lee found it necessary to call a conference for consultation at the Southern Hotel in St. Louis to talk over the political situation; and the only men invited were the particular individuals with whom he had had some very suspicious transactions at Springfield only a few weeks before.

There are some very, very remarkable things about this political meeting at St. Louis. Lee O'Neil Browne went there for a political interview and to spend several pleasant days looking over the city and indulging in a social visit with these old friends of his. He got there in the morning; he registered at the hotel, and his name is on the register. He got his room, and before evening the business was all done, and he took the train and went back to Chicago. There is not a word in the testimony to show that politics was ever mentioned in any conversation between them, but he talked with Link, I think, about some pacing horses.

The only men he met there were not county committeemen nor State committeemen nor postmasters nor local politicians of the community, except as they were all represented and embodied in the persons of the gentlemen with whom he had had some very suspicious transactions at Springfield only a few weeks before. He went there to have a political conference,

and a strange political conference it was, because he got his room at the Southern Hotel, and these men dropped in and out. They stayed a marvelously short time when they got in his room, but they got the "ready necessary," and then they skipped. And it is very apparent that when they got that, the errand for which they had visited St. Louis was at an end, and each went his way and, like the Arab and his tent, disappeared after this little transaction was settled. It did not take a very extended conversation between them to settle it. It was not necessary to go into any embarrassing details at all. They understood each other perfectly. Mr. Browne knew why they were there, and they knew very well why they were there, and it took only a short time; in fact, Mr. Browne did not find it necessary to stay all night in St. Louis.

This meeting at St. Louis, which was held there between these men and Mr. Browne, lasted only a few hours, and he met each one of them apparently separate from the others. This room he had engaged he did not find it necessary to occupy even one night. He got there in the morning, he met these men, and had a little business with them, a little quiet business, which took only a short time to transact, and then before night took a train and went back to Chicago. He said it was a political trip. When he was asked what they talked about, he said: "We talked about that about which we talked." That is illuminating. He could not give more details about their conversation than that, except that he discussed pacing horses with Link.

Now, Mr. Browne had a marvelous memory in some ways. He went back to a date prior to the election of the Senator on the 25th of May, and they asked him about what occurred in the evening when it is said that he met Charles S. White in his room, when White claims that Browne told him there would be $1,000 in it—in the Lorimer deal—and about the same amount from other sources. When Mr. Browne was on the stand and was giving his testimony in regard to that matter, he went on and with marvelous accuracy he told all about what occurred in the office of the St. Nicholas Hotel, in Springfield, Ill., on the night of the 25th day of May, 1909. He spoke about the Kansas City hummer coming—the K. C. hummer, he called it—and he told the very hour and the very minute that it was due, if it was on time; but he says that night it was late, did not arrive in Springfield until 11.41; that a certain gentleman from Peoria or somewhere came into the office, and before this gentleman had registered he went to him in the hotel office and asked him to go and speak to another gentleman there and convey some request that he wanted that man to receive through this gentleman; that the man attended to this for him; that he then registered; and he told the order in which his name appeared on the hotel register at the St. Nicholas Hotel, and that Charles S. White did not register until after this man registered. He told about this man being assigned to a room, and how long he remained in the office, and when he disappeared, and that White did not go—could not have gone—to his room until after that.

This was May 25, 1909, and Browne was testifying last October; and yet his memory was so clear and so accurate and so marvelous that he could go back over these intervening months, a year and a quarter or a year and a half, and give the exact minute when the Kansas City hummer arrived in St. Louis; but when he was asked what they talked about when they had this meeting down at the Southern Hotel on the 21st day of June, when he met Clark and Beckemeyer and Luke and Link, he could not remember one single thing that was said except that he talked with Mr. Link about pacing horses.

The explanation that this meeting at the St. Nicholas Hotel between Browne and these men was a political meeting was a cooked-up story. That is self-evident.

What about the next meeting? They tried to fix up an explanation for the meeting on the 15th day of July with Robert E. Wilson. What was that? They arranged that Robert E. Wilson should write a letter and send it through the mail or in some fashion to Browne and Beckemeyer and Link, and in this letter say to them that some of the boys wanted them to get up a banquet in honor of Lee O'Neil Browne, and that they desired that they meet in St. Louis on the 15th day of July to talk the matter over.

This letter was written in fact in 1910, after Charles S. White had given this exposure to the public, after they had discovered that White and a detective were looking into these matters. They were frightened; they were on the run; they were in a panic; and they feared that it would leak out and be proven that they met Wilson in St. Louis and that they got this money. So for the purpose of fortifying each of them against the circumstances that they knew might appear to indicate their guilt, they deliberately agreed among themselves to manufacture this testimony by writing a letter in 1910 and dating it back prior to the 15th day of July, 1909, and putting such a letter in the hands of Mr. Link and Mr. Beckemeyer and others. They intended to use this letter and offer it in evidence as an explanation for their meeting in St. Louis. Beckemeyer confessed to this, produced the letter, and the letter is in evidence.

Oh, what a ridiculous piece of manufactured testimony, and how like the action of guilty men fleeing from their shadows in fear!

Doc. Allison was one of these Democrats who voted for Mr. LORIMER, and here is this letter that they made up among themselves:

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

Friend BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes, I am,

Very truly, yours, ROBERT E. WILSON.

Beckemeyer destroyed the envelope in which this letter was sent to him, and because he did not want that envelope to be discovered with the postmark on it. This letter, he says, was written in 1910 and dated back in 1909, and sent to these guilty men simply to be used as fake testimony for the purpose of making it appear that they had an innocent reason for meeting in St. Louis. Lee O'Neil Browne's secretary, Mike Giblin, is the man who upon his typewriting machine wrote this letter. It came from him as the result of an intrigue between Beckemeyer and Link and Lee O'Neil Browne to manufacture in cold blood testimony to be used for the purpose of making it appear that their meeting in St. Louis was an innocent one.

Oh, but the chain of guilty circumstance weaves a web about these men, puts them in meshes from which afterwards there is no possible escape.

Mr. President, after they had manufactured this testimony, and after Beckemeyer and Link were in possession of this fake testimony, they got still more under the influence of panic and fear and they went down to see Joe Clark, and he suggested to them that they deny that they were in St. Louis at all. So when they were haled into court and brought before the grand jury and put under solemn oath, Beckemeyer testified that he was not in St. Louis at all; that he had not been there on either the 15th or the 21st at all; and when Mr. Link was brought before the grand jury and interrogated about these transactions he stated under oath that he was not in St. Louis at all.

Both of them were indicted for perjury; both of them were facing a conviction for perjury, because the evidence that they had been in St. Louis was absolutely overwhelming. So they began to squirm. They began to realize that they were dealing with the majesty of the law itself, that they were facing a charge and a trial from which there was no possible escape. At last persuaded, it is true, by the public prosecutor of Cook County, they decided that the best thing they could possibly do was to frankly confess to the truth, and they made their confession. Then this miserable story of corruption and bribery was laid before the world, and these men under oath confessed that they had been in St. Louis and that on the 21st day of June Mr. Browne had paid each of them $1,000, and on the 15th day of July Mr. Wilson had appeared there in Mr. Browne's stead, because Mr. Browne was sick, and had paid each of them $900. Mr. Beckemeyer stated that Mr. Browne told him when he paid his thousand dollars that it was his Lorimer money, and that when he paid this money he told him, "This is coming to you."

Now, Mr. President, the conduct of these men is so inconsistent with any theory of innocence and so perfectly consistent with the theory of guilt that I confess I have regarded it as the most puzzling problem I have ever failed to explain to myself, how Senators whom I know to be absolutely honest and sincere could come to any other conclusion than that these men were guilty of trafficking in legislation and of selling their votes in the senatorial election at Springfield.

What inducement appears in the record from any source as an explanation for the payment of this money? That the money was paid is so thoroughly well established that there is no escape from it. When we look into the motives of men and undertake to find where the reason lies for these transactions, the logic of the testimony points as unerringly as the needle points to the pole to the senatorial election at Springfield. For instance, take Broderick. Mr. LORIMER himself has helped us a little there because he says that Broderick is his friend; that the friendship reached back to a time so far in the past that he can not remember when it began, and that Broderick's relatives lived over in his district and Broderick had been accustomed to use his influence with those friends to vote for

Mr. LORIMER when he was a candidate for Congress over and over again in the years gone by.

Now, we find Mr. Broderick in the State senate at Springfield. We find Mr. Broderick had been in the legislature in Springfield for a number of years, so that Mr. Broderick knew the peculiar ways they have at Springfield for doing things. Mr. Broderick had been there long enough to make, I dare say, a great many observations in regard to the jack pot, in regard to the purchasing of votes, in regard to the suppression of legislation through the use of money, and in regard to the procuring of the passage of bills in the interest of great companies accomplished through the use of money, because everybody seems to admit that that sort of thing had been going on at Springfield for years. I will not give any names here, because I would not betray a confidence, but a very prominent citizen of that State said to me the other day it was in a way known that for years they had been in the habit of making up a purse, amounting to sometimes a hundred thousand dollars, through different interests and had used it there.

I know nothing about it except this sort of conversation and what appears in this record. But it does appear in this record, and appears to be conceded in this record by both sides, that there had been for years at Springfield what they called a jack pot, a corruption fund used for the purpose of influencing legislation. And I have been amazed to hear men say that this condition of things exists in more than one of the capitals of the States of the Union. I refuse to believe it; it is too appalling to believe that this sort of thing exists at the capitals of different States, and has existed there for years. But it appears to be conceded in this case that it had existed for a number of years at Springfield. Mr. John Broderick, who had been a member of the legislature for a number of years, was one of the men very likely to know of it, and he is the senator who had this transaction with his colleague, Senator Holstlaw.

Do you say there is no testimony here to show that this money was to be used for the purpose of influencing the election of a United States Senator? How can anyone possibly make a claim like that in the face of the testimony we have here? The testimony of Holstlaw can not be brushed aside by saying that Holstlaw is a bad man; that he is a confessed bribe-taker and unworthy of belief, because all the circumstances in the case corroborate him.

Mr. Broderick, according to the statement of Mr. LORIMER himself, was an old friend of his, with whom he had been on terms of the closest intimacy politically for many years, and whose relatives and kinsmen lived in his district. Broderick had been accustomed to lend him assistance over and over again. John Broderick had been in the legislature at Springfield for a number of terms. It was a matter of common knowledge that there was in each legislature a corruption fund. John Broderick evidently knew of this corrupt practice. It does not appear here that John Broderick was personally interested in any particular item of legislation in regard to which there was an inducement to him to make an improper use of money, but it does appear that John Broderick, Democratic senator from Chicago, was very deeply interested in the election of Mr. LORIMER to the United States Senate.

I say that because the statement of Mr. LORIMER himself shows it; I say that because the testimony of John Broderick given in this case shows it; I say that because the testimony of Senator Holstlaw, with whom this transaction was had, shows it. It furnishes a very consistent background and setting when we look into the nature of this transaction between Holstlaw and Broderick.

I have said it did not appear that Broderick was interested in any other transaction. That is not correct when I reflect that the agreement made with Holstlaw in regard to the sale of furniture was coupled, so far as Holstlaw's statement is concerned, with a recital of a conversation he had with Mr. Broderick in relation to his vote for Mr. LORIMER.

Now, I have given you the setting and situation from which to judge the motives and the purposes of these men when we look into this transaction in which the $2,500 was paid.

Mr. Holstlaw was brought to book before the grand jury at Springfield, charged with having made a corrupt agreement as a member of a committee to buy furniture for their capitol building, charged along with his associates, Senator Pemberton and this representative, Joe Clark, with having made a corrupt bargain with a company that wanted to get the furniture contract, that if they gave to them this contract they should receive a commission out of it.

Holstlaw was to receive, according to an agreement between him and Mr. Johnson, I think his name was, the sum of $1,500 if he would enter into this corrupt agreement, and Mr. Johnson, if that is his name, said that that was more than they were paying Clark; that they were going to pay Clark only $1,000. Mr. Holstlaw was brought to book in this furniture deal, and the grand jury over at Springfield indicted him. He was confronted with a most serious situation. He realized that there was nothing between him and the door of the penitentiary; and Mr. Holstlaw realized that there was only one escape, and that was to come out and tell the truth in regard to this whole transaction.

You can not overthrow testimony of that kind by saying that it is not to be accepted because the man who gave it was under indictment, for over and over again in the history of the trial of cases that kind of testimony has been found to be satisfactory to reasonable men and convincing to juries, and verdicts have been rendered upon it when corroborated, as this testimony is corroborated, and others have been convicted and sentenced to long terms in the penitentiary upon just such testimony.

Mr. Holstlaw came out and made a statement. In that statement he said that the night before LORIMER was elected John Broderick—this old friend of Senator LORIMER from Chicago, living in the adjoining district, who had been his faithful political supporter for years—came to him and said: "We are going to elect LORIMER to-morrow. And when Mr. Holstlaw replied to that statement in some form he said, "If you vote for him, there is $2,500 in it for you."

I am glad to have this testimony strengthened by what appeared here in the statement of Mr. LORIMER himself; that Broderick was his old friend and between them there was a political friendship extending back for years; that he had been accustomed to help him politically. This is an additional circumstance which makes the testimony of Holstlaw all the stronger.

The next day after that statement of Broderick's, when the roll was called in the legislature, Mr. Holstlaw, a Democrat, voted for Mr. LORIMER, a Republican. The record shows that. Then, on the very same day—remember this—that Charles S. White met Lee O'Neil Browne at the Briggs House in Chicago, and got his $900 for voting for LORIMER, Mr. Senator Holstlaw comes into Chicago from his home, away down in southern Illinois, goes out on to the West Side, where John Broderick's saloon was located, which he had never visited before in his life, is taken into Senator Broderick's office, and is paid by Senator Broderick the sum of $2,500.

No testimony! Is not that a remarkable thing that *on the very same day* two transactions between different men occurred in the city of Chicago in relation to the election of Senator LORIMER—$1,000 or $900 being paid by Browne to White and $2,500 being paid by Broderick to Holstlaw?

I was commenting upon the very remarkable fact that upon identically the same day two circumstances occurred in Chicago between two different men acting independently of each other—in the Briggs House between Browne and White, in which Browne gave White $900; in the saloon, over in West Chicago, between Holstlaw and Broderick, in which Broderick paid Holstlaw $2,500. Is not that remarkable? Ah, there is corroboration in this case! These are remarkable circumstances beyond the power of any mind to create. What makes this testimony convincing? How do you explain circumstances like these?

The Senator from New Jersey [Mr. KEAN], in a sort of ironical way, says that I intimated that my remarks would last only 15 minutes when I began, and that here I am talking into the late hours of night. That is true. I no more expected to go into this extended review of the testimony than I did of leaving the city to-night, and I, in perfect good faith, expected to speak briefly in behalf of Gov. Deneen and stop. But we might just as well understand each other here and now, and it will be profitable to both when Senators like the Senator from New Jersey understand that other Senators can not be trampled down here by a relentless determination that no concessions shall be made; that not even a recess until 8 o'clock shall be taken; and that if we should be diverted for 10 seconds, snap judgment will be entered and a roll call ordered.

It was when that sort of thing was resorted to here that I deliberately determined that it was my duty to enlighten Senators on the other side with reference to what the testimony is in this case, because I am afraid they do not know it.

Here was a most remarkable circumstance—on the very same day two independent transactions between different men relating to the election of this Senator occurred in the city of Chicago. How explain it? You say it is not so; that it did not occur. Mr. White says that on that day he got $900—$50 on the first day and $850 on the next—and awhile ago I reviewed at some length the use he made of the money when he got back to O'Fallon. That is corroborative testimony.

What was the consideration for this thousand dollars that Browne paid to White? It does not appear that White voted for some bill that Browne was interested in, for which he was making this payment. There is nothing in the record showing that. There is nothing in the record showing that there was any other transaction for which he was to receive money from Browne, except a general division of what they called the jack pot and his vote for LORIMER.

The Senator from New Hampshire [Mr. GALLINGER] the other day appeared not to be satisfied with this because he thought it was incumbent upon the Senate to trace this money which Browne paid to White—to trace it back into the pocket of Mr. LORIMER—or else, apparently from his viewpoint, it was valueless.

The moment you trace one single dollar of it to Mr. LORIMER with reference to one single vote, no matter whether that vote was necessary to give him a majority or not, you connect Mr. LORIMER personally with this transaction, and one tainted vote would defeat him. But if you show a sufficient number of tainted votes to reduce his vote below the number necessary to give him a majority of those present and voting it does not make a particle of difference where the money came from—not a particle. You do not need to trace it. But if it was money from some source, corruptly used, which caused a sufficient number of tainted votes, so that he did not have a majority of those present and voting, you do not have to trace it. And the Senator from New Hampshire need borrow no trouble whatever on that point.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I do.

Mr. GALLINGER. Knowing the Senator's anxiety to conclude his speech, I interrupt him with hesitancy; but I will remind the Senator that a little while ago he said it was a common thing to have a jack pot around the Legislature of Illinois—sometimes a hundred thousand dollars. Now, is the Senator from South Dakota sure that jack-pot money did not circulate among this bunch of perjurers and liars that the Senator is dealing with?

Mr. CRAWFORD. No; I am not sure. I am quite suspicious that it did.

Mr. GALLINGER. But that jack pot the Senator said was to influence legislation.

Mr. CRAWFORD. I did not confine it to that.

Mr. GALLINGER. I think the Senator did.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. Now, the Senator is talking about this man White, the man who undertook to blackmail Senator LORIMER. Failing to do that, he sold his yarn to the Chicago Tribune for $3,500, $1,000 down and $2,500 contingent. It may have been that this contingent fee figured somewhat in this money that White had to go off on his junkets with.

Mr. CRAWFORD. Let me call the Senator's attention to a little circumstance right there that will relieve all the trouble he is having about that, and that is this: That the agreement between White and the Chicago Tribune and the payment of the $3,500 did not occur until long after the vote for United States Senator; long after the payment of this money in the Briggs House; long after these trips on Lake Michigan to Benton Harbor; long after these great sprees which Mr. Browne refers to when he uses that poetic expression about the flowers; long after that—nearly a year after that. So it could not have been any money received from the Chicago Tribune.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota further yield to the Senator from New Hampshire?

Mr. CRAWFORD. Yes; I yield.

Mr. GALLINGER. It is barely possible that that enterprising paper might have made an advance payment when they set out to destroy Senator LORIMER.

Mr. CRAWFORD. Oh, yes. They had some kind of prescience by which, way back when the Legislature of Illinois was voting for United States Senator, they were foreordaining that on a certain day in June, 1900, Broderick should meet Holstlaw in the saloon over in West Chicago and get $2,500 from him, and that down at the Briggs House Browne should pay White $900. The Chicago Tribune, way back there, was putting up this job, with these subsequent details in it, was it?

Mr. GALLINGER. Possibly.

Mr. CRAWFORD. I can not understand the process by which the Senator arrives at that conclusion, but I can only say it is a very strange one, indeed, when we look at the testimony in this case, because here are separate transactions between men who figured in the testimony. Absolutely nowhere during that period are the transactions which this testimony discloses connected even remotely with the Chicago Tribune or any other newspaper.

I say it makes no difference, in fact, where the money came from. If it was jack-pot money, used to procure votes for Mr. LORIMER, and they procured a sufficient number, without which he would not have been elected, it vitiates the election.

Mr. President, when you look for corroborative testimony of the Holstlaw transaction, how are we to get away from the fact which occurred immediately after the payment of the money? Do Senators arbitrarily, by a sort of forced process of mental exercise, undertake to say that Holstlaw did not go, after he had gotten this money over at Broderick's saloon and put it in the State Bank, and that the certificate of deposit issued in due course of business is only a fiction, and that the testimony of this bank clerk, who comes into court and says:

> This man Holstlaw on that day came into our bank. I had the transaction with him, and he put in this bank $2,500 in cash, and I placed it to the credit of his bank at Iuka, and here is the deposit slip.

Do Senators say: "We will brush that all aside; we refuse to believe this cashier or clerk, whatever he is, although there is not a breath of suspicion against him; we will refuse to accept his testimony, although there is not one contradictory thing about it; we will refuse to accept it, because it appears that Gov. Deneen was a stockholder in that bank?"

I can not understand that method of weighing testimony or that method of arriving at a conclusion or that method of ascertaining facts from testimony. I do not understand it. It is absolutely beyond my comprehension, and I do not believe that many people in this country, reading that testimony with nothing more or less than rational intelligence, will come to any conclusion except that it is true.

Well, what was it paid for—this $2,500? He says that it was paid to him for voting for LORIMER. He was a Democrat. He voted for LORIMER. He had his talk about voting for LORIMER with Broderick. Broderick told him there was $2,500 in it for him, and here he appears and gets his $2,500. Broderick, an old friend of years and years standing, interested in the political success of Mr. LORIMER, had this talk with Holstlaw, made him this promise, and afterwards Holstlaw goes to his place of business and gets this money. What are you going to do with this? Brush it aside; refuse to believe it; say it is not true? Why? Because John Broderick denies it? John Broderick denies some of it, and some of it he does not deny, but dodges. Where he fears that he is running some risk if he does not tell the truth he refuses to say anything. When he was on the witness stand and was asked, "Did you write to Senator Holstlaw to come up there the day you said he appeared there?" he declined to answer.

"I decline to answer." Why? If he had written a letter to Senator Holstlaw, and he said he did not write it, that letter might be produced, and he would be in the same position that Link was in and Beckemeyer was in when they said they did not go to St. Louis and were indicted for perjury. He would have been in the same boat. But he was not truthful enough to say, "I wrote him to come," but he said, "I decline to answer."

Senators may get around that by some process of reasoning that I do not understand, but I say when the ordinarily intelligent people of this country read that man's testimony and find that he declined to answer a question of that kind they will say that man is dishonest; that man is not frank; that man is keeping back the truth, and he acts like a guilty man.

Another question:

> Who was in your saloon that day when he came there?—A. I decline to answer.

He declined to answer. He might name some parties and inquiry might be made of them and he could not sustain his statement. At any rate, he was afraid to make the answer, so he says, "I decline to answer."

Now, you have here first a Democrat, Holstlaw, voting for a Republican, LORIMER. You have preceding it a conversation between this man and this old friend of LORIMER, Broderick, in which he says "there is $2,500 in it if you vote for him." After the legislature adjourned you find this man, Holstlaw, coming from away down in southern Illinois up to Chicago and being there the same day that Lee O'Neil Browne meets White over at the Briggs House, and you find him there getting just exactly the amount that he says Broderick told him he should have for voting for LORIMER. Then you have his testimony corroborated by the officer of that bank, who is absolutely a disinterested witness. How are you going to get away from that? Oh, just simply say I will not believe it. Well, I will believe it. I can not see any escape from accepting it with all the circumstances attending it and accepting it as the truth.

Now, I never yet have understood why when this report was made it left out all reference to the statement of these witnesses that they were not in St. Louis which they made before the grand jury. I do not understand why that occurred. While the committee has been criticized, I never have believed that the committee had anything to do with that trick. But it is there, and my theory of it is that whoever furnished the transcript of that testimony to the committee which they put in their report omitted some very significant testimony. Then counsel who were representing Mr. LORIMER undertook to draw an outrageously unfair conclusion, which could not stand for a moment when that testimony is in there, but which might have a plausible basis with that testimony left out. I never have understood why that was done. But there it is. I refer to the attempt to make out that the testimony of these witnesses is not to be believed because it was obtained under duress. On page 11 of the report of the committee they put in this part of the testimony and left out this other part.

On page 6 of the committee's report they have these questions and answers:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

By Judge HANECY:

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Now, in the record of this testimony here is the part that is left out:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

Senator BURROWS. What else?—A. Denied meeting parties in St. Louis; I didn't remember of meeting them, that is, at that time.

Why was that left out? For what purpose was that left out? It was left out because it was thought that what is left in there would establish a claim that there was an attempt made to compel these witnesses to testify to a falsehood. That is what it was left out for. It was left out because Judge Hanecy, the attorney trying to make the argument, undertook from this garbled testimony to make the claim that the condition placed before Link and Beckemeyer upon which they might escape conviction was not by telling the truth but by testifying falsely.

And so these excerpts were omitted in the committee report by some trick for which I have never in any sense sought to hold the committee responsible, because I know too well that no member of this committee would intentionally omit that part of the testimony; but whoever furnished that excerpt was seeking to furnish just enough to establish a false charge against the State's attorney of Cook County, else why did he not put it all in? That is only one instance of this attempt to deceive Senators.

At the top of page 9 of this report, between the first and second questions, the following question is omitted:

Q. Do you remember the incident of a young lawyer coming there and saying to you and some officer of the State's attorney's office, "What are you holding this man for?"—A. No; the substance I do; I don't remember the exact language.

Then on page 9 they left out this:

Q. He did stay there until that time?—A. Yes, sir.

First the following question:

Q. Now, was he in the room of the same hotel or place here in Chicago when you and Detective O'Keefe were there, when this young lawyer came in and asked O'Keefe: "Why are you holding him in custody?"—A. He certainly was. I remember the conversation, I think; but I paid no attention to it at that time.

Q. Did the detective threaten that if this lawyer did not go out that he would arrest him and take him before the grand jury?—A. It made him rather spunky; I disremember the exact words, but he said something in that line.

Q. He gave him to understand he would have to keep away?—A. Yes, sir.

On page 9 of the committee report, after the following question and answer:

Q. By the same grand jury you had been before?—A. Yes, sir.

The following question and answer, found on page 295 of the record, have been omitted:

Q. Was it for perjury for not telling them you had received money for voting for LORIMER?—A. That I had not met Robert Wilson——

Robert Wilson was the man he had met in St. Louis.

That I had not met Robert Wilson—no money consideration entered at all—but that I had not met Robert Wilson.

Then on page 11 of the report, after the following question and answer:

Q. That was not true?—A. That was not true; no, sir.

They omitted the following:

Q. And that is what the State's attorney wanted you to tell the grand jury, was it not?—A. I presume just two answers. If I would answer when I went before the grand jury. That is all that Mr. Wayman asked me, was those two questions.

Mr. AUSTRIAN. What were they?

Here Judge Hanecy, an attorney for Mr. LORIMER, who appeared to want to suppress the drawing out of this witness that the reason why he was indicted was because he had said to the grand jury he was not at St. Louis, when Mr. Austrian asked the witness this question, said, "I am examining him." He cut the question off; shut it out, saying, "I am examining him."

Senator BURROWS. We will probably get at that.

Then said Judge Hanecy:

Q. Did Mr. Wayman there tell you at that time that he indicted you; that he was going to take you before the criminal court if you did not tell the grand jury *what he wanted you to tell?*

The manifest purpose of that question is clear: Judge Hanecy wanted to put the words in the mouth of this witness from which he could claim that the State's attorney undertook to make the witness give false testimony, saying, "You must give this as your testimony, or you will go to the penitentiary," because here is his question:

Q. Did Mr. Wayman there tell you at that time that he indicted you, that he was going to take you before the criminal court if you did not tell the grand jury what he wanted you to tell?

What do you think of a bulldozer like that undertaking to compel a witness to testify in a way that he wanted him to testify to make out a certain theory in this case by which he could claim duress?

The committee left that testimony out. The committee did not do it intentionally, I know, but the trickster who furnished this transcript did it designedly, so that as presented by the committee the testimony would give plausible color to this claim that these witnesses were under the influence of duress.

Yet this witness did not answer Judge Hanecy as he wanted him to. This witness said in answer:

I don't quite understand the question.

He did not see what the judge wanted to fish out of him; he did not understand what the judge was driving at. The judge understood it, but the witness did not.

And the committee left that out. That is not in this testimony that is placed under the conclusion of the court that there was duress and that these poor creatures, held in the clutches of a relentless law officer in Chicago, were put in mortal fear of an indictment brought not for the purpose of vindicating the law, but for the purpose of making them the mere tools of the State's attorney, so that he might manufacture, through these tools, testimony upon which to claim that there was duress.

Out upon such a performance as that on the part of Judge Hanecy, or on the part of the stenographer, or attorney, or whoever may be liable for this attempt to mislead the committee into putting into the record these partial excerpts of the testimony for the purpose of leaving a basis by these omissions for making the claim that there was duress!

They tried to put into the mouth of this witness that Mr. Wayman had cooked up a story, and that he must, in order to save his neck with this indictment over him, go before the grand jury and tell the story that Mr. Wayman cooked up. That is what Judge Hanecy is trying to make him say:

Q. Did you tell the grand jury, then, on the questions of Mr. Wayman what Mr. Wayman wanted you to tell?

Senator BURROWS. What did he tell?

Now, that is omitted. Here is still more of it. On page 12 of this committee's report, the testimony which you will find on page 300 in the record here, a part is left out. For instance, after the words "He wouldn't let me answer the question at all," near the bottom of the page, the words which appear on page 300 are omitted, as follows:

Did Mr. Wayman tell you to answer "no" to that question put by the State's attorney and grand jury in Sangamon County?—A. He had a representative, Mr. Reed, the lawyer there at Springfield, that read a great many decisions in relation to incriminating yourself, etc.

Q. Did he send an assistant down there—an assistant attorney—to Sangamon County grand jury with you?—A. Not with me; but there was one there.

Q. He met you there?—A. Yes, sir.

Q. To advise you and represent you there?—A. Yes, sir.

Q. Who was he?—A. An attorney by the name of Reed.

Q. F. F. Reed?—A. I don't know his initials, but his name was Reed; from Aurora, I think.

That is omitted, and an attempt is made to leave the impression by putting in only a part of the testimony that there was some sort of jugglery with these jurisdictions in Chicago and Sangamon County, simply playing through the forces of these grand juries upon these men for the purpose of compelling them by duress to give as their testimony a cooked-up story, false, manufactured, for the purpose of fastening guilt upon innocent men. Material testimony omitted.

Here is some more of it left out on the same point:

At that first interrogation the question of Robert Wilson was discussed, but not the Browne $1,000.

Q. All right, then; the one they first interrogated you about when you went before the grand jury, as to whether or not you had met Wilson in St. Louis?—A. I denied it.

This was the basis for the indictment against this man, and he was asked before the grand jury before which he appeared the first time whether he had met Wilson at St. Louis, and he said, "I denied it."

They left that out in giving the testimony here on which they claim there was duress. They also left out this:

Q. Was that true or a falsehood?—A. I guess it was a falsehood.

Ah, it was this that got the witness into trouble and caused the indictment, and he said, "I guess it was a falsehood." We all know it was a falsehood, because Link was in St. Louis. No one can doubt that, and yet he had gone before this grand jury and denied that he was in St. Louis or that he met Wilson there.

A. I guess it was a falsehood; but I didn't remember of meeting him at that time, or didn't know the date.

The committee left this out when they made their report and put in certain testimony to establish the theory of duress. This did not appear in that testimony.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I yield.

Mr. GALLINGER. Mr. President, the Senator is making what I think is rather a serious accusation against the committee.

Mr. CRAWFORD. No; not against the committee. I have said over and over again that whoever furnished the transcript left this out. Does the Senator question that?

Mr. GALLINGER. The Senator just said the committee left it out.

Mr. CRAWFORD. That is not quite fair. It was left out in the report of the committee, but I would not make that statement that the committee did it knowingly, and I tried to protect my words against a charge like that. It is not possible that the committee did it, but whoever furnished the transcript, I say to the Senator from New Hampshire, left out the very portions which sustain the indictments.

Mr. GALLINGER. Mr. President, here is the testimony. Of course the Senator did not expect the committee would put that all into the report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. The committee reported every word of the testimony, and Senators have it before them to examine for themselves.

Mr. CRAWFORD. Yes.

Mr. GALLINGER. I can not believe that any stenographer or transcriber could have picked out certain portions and omitted them.

Mr. CRAWFORD. Let me ask the Senator from New Hampshire how he satisfies his mind upon the significant fact that here was a most serious charge against the State's attorney of Cook County, a charge that he was using the processes of the court and the machinery of the grand jury to compel witnesses to testify to that which was false, and the committee apparently were led in sincerity to believe that claim and referred to it in the report and then put the testimony in which they considered established that claim, but omitted from that testimony the very testimony given by these men which furnished the basis for their indictment. How does the Senator from New Hampshire explain the omission?

Mr. GALLINGER. I think that might happen without any purpose of misleading anybody. The whole testimony is here.

Mr. CRAWFORD. Yes, but does not the Senator see that upon the face of the report, with only partial testimony, a most unfair thing occurred with reference to the State's attorney of Cook County?

Mr. GALLINGER. That may be so. The committee, of course, were not under any obligations to put a word of that testimony in their report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. No. They might have reported that the charges were not proven and have left it there, but they did put in some portions of the testimony, and I have no doubt that the committee acted in good faith.

Mr. CRAWFORD. I am not gainsaying that——

Mr. GALLINGER. No; I understand.

Mr. CRAWFORD. But if the Senator will permit me, I am saying it is exceedingly unfortunate and it was unfair to the State attorney and it was misleading to Senators to have the very testimony upon which indictments were returned omitted from that part quoted to show that these indictments were wrongfully used for the purpose of compelling witnesses to testify to falsehoods.

Mr. GALLINGER. That may have been an unfortunate omission.

Mr. CRAWFORD. It certainly was.

Mr. GALLINGER. Yet I recur to the fact that here is the testimony, and every word that was uttered is in that volume.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. CRAWFORD. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire, with the permission of the Senator from New Hampshire, whether, if the committee put in any of the testimony, it should not have put in all the testimony that gave the story complete instead of that which just gave one side of it?

Mr. GALLINGER. Of course they ought not to have put in one side of any statement, and I have no idea that was the purpose.

Mr. CRAWFORD. It happened, though, in some manner.

Mr. GALLINGER. There may have been inadvertently an omission of a paragraph, which perhaps justifies the Senator from South Dakota in making the criticism he does. But I can not believe that it was done purposely by anybody.

Mr. CRAWFORD. I am frankly and without reservation glad to say that I am absolutely convinced that it was not done in any manner with the knowledge of the committee. But I can not relieve myself from the feeling that through some source and back of the committee there were interested parties who were furnishing the transcript; that some one who had an interest in having that matter appear plausibly here must have omitted from the testimony those very important parts as they were reported in connection with the conclusion. That is all.

What are you going to do with this charge of duress and this claim that they were using this machinery to make this man tell a cooked-up story, a falsehood, for the purpose of doing an injury to innocent men, when he says here, when pressed by the State's attorney:

A. They didn't ask me to lie.

In this claim that there was duress in this testimony submitted, for the purpose of showing that immediately in connection with the committee's finding, this was not presented:

Q. The perjury charge was correct, was it not?—A. Afterwards it proved it was; yes, sir.

Here is the man who had made these false statements admitting this.

Senator FRAZIER. If it were true that you met Wilson in St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why didn't you tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?—A. I didn't want to get myself, perhaps, in trouble and my friends in trouble. I didnt know where the money came from. That was the only reason.

He did not know where the money came from. I insist it makes no difference where the money came from if money was corruptly used and by its corrupt use enough votes were procured for Mr. LORIMER without which votes he would not have been elected; it makes no difference where the money came from, the corrupt use of the money and the resulting election from the corrupt use of the money corrupting enough of them. He was afraid he would get his friends into trouble.

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for?—A. I didn't know anything what there was about it, and didn't desire to criminate myself for taking this money. I didn't know where it came from.

This question of duress, I think, is an exceedingly important question, because it is the thing upon which those rely who undertake to get around the testimony of these witnesses and make the claim that it is unworthy and should not be considered.

Now, this man Link was asked if it were a present to him, this money, and a fair and honest transaction for campaign purposes or a gift.

Mr. President, Mr. Link was interrogated with reference to the matter of coercion, and I shall call attention to that particular part of his testimony in which the Senator from Tennessee [Mr. FRAZIER] asked him, speaking of this money that had been paid to him in St. Louis:

Q. If it were a present to you, and a fair and honest transaction for campaign purposes, or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. Pardon me, I will correct that. I was afraid of getting somebody into trouble; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—A. Friends of mine or myself.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Ah, there he connects the receiving of this money with his friends in the general assembly on both sides, Republicans and Democrats. Why did Mr. Link think that if he stated openly and frankly to the public the fact that he had met Mr. Browne and Mr. Wilson in St. Louis and received this money from them he might get a number of friends of his in the legislature, members of the general assembly, both Republicans and Democrats, into trouble? Can you answer that question? Can Senators answer that question without inferring that the reason he was afraid was that it would get friends of his in the general assembly, both Republicans and Democrats, into trouble, because he knew that this money was being paid to him corruptly, and that friends of his in the general assembly, both Republicans and Democrats, were also implicated in the corrupt receiving of money? That is why he was afraid; is it not? What other explanation can be made for this man's fear? What other reason can even be conjectured why he should be reluctant about frankly admitting that he met these men in St. Louis and received this money?

If you sit down and think about it, think about the manner in which it was done, the circumstances that surrounded it, can any Senator give himself any satisfactory reason why Mr. Link should be afraid that the giving of this information to the public would make trouble for his friends in the legislature, except because it was a corrupt and guilty transaction for which they were all amenable under the law?

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.
Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—A. I didn't know how it would get them into trouble, only it struck me I might get them into trouble.

Can any one have an answer for it except that he knew as well as he knew he was in existence that it was a miserable, dirty, criminal transaction, that he was not the only one involved, but that there was a whole brood of them involved in it over at Springfield? Ah, that explains the testimony; and you can not explain it in any other way.

Q. You didn't care to admit that some one had given you $1,000 without any explanation about it?—A. No, sir.

Now, about this question of duress a little further. This does not appear in the testimony in the report, but Beckemeyer was asked—this is on page 254 of the record—

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?—A. There was not.

We are informed here directly by a telegram which the Senator from Indiana [Mr. BEVERIDGE] put in the record, that Mr. Keeler—I think that was his name—who undertook over in Chicago to swear that a third-degree process was used to compel these witnesses to swear falsely, has been convicted of perjury for making such statements.

You can not break this testimony down on the theory that duress was used. That claim is absolutely exploded and absolutely destroyed. I quote from the testimony:

Q. Did you tell the truth then as you have told it now?—A. Yes, sir.

Where is your duress? There is none. You can not get away from the testimony of Link and Beckemeyer and Holstlaw by technicalities. Someone said that they testified that they intended to vote for LORIMER and they would have voted for LORIMER without having this money paid to them. Does anybody for a moment believe that they were at Springfield passing the boodle around in chunks of $1,000 and $900 to men who were going to "deliver the goods" without it? It is absolutely ridiculous. This man Holstlaw says that Broderick told him that if he voted for Mr. LORIMER there was $2,500 in it.

Shephard is a very peculiar man. He talked a good deal when he was on the witness stand, and explained that when Browne came to him and wanted him to vote for LORIMER he told him he could not do it; that he was a dyed-in-the-wool Democrat. But finally he intimated that he might do it if he could get the post-office matter adjusted at Jerseyville. Jerseyville is his town. The postmaster there owned a newspaper and had abused him for a good many years; he did not like that editor and did not like the deputy. He said if he could be assured that neither of these men would be appointed postmaster at Jerseyville he might consider this proposition. Browne said: "We can not do anything with that; that is not in our jurisdiction; that is a Federal matter." Shephard would not give him any encouragement, so he says; but a few days afterwards Mr. Browne came to him again and said: "I have found out that this postmastership is in Congressman RAINEY'S district, and RAINEY is a Democrat. RAINEY can not control the appointment of postmasters at Jerseyville, because he is a Democrat, and the Senator will control the appointment of postmasters down there. It is different from what I thought it was the other day when we were talking about it."

I am not quoting that testimony literally, but I am giving the substance of it. Well, Shephard was hopeful at once. He wanted to get the scalps of these newspaper men who had been abusing him down there at Jerseyville, and he wanted a pledge that they should not have the post office. It was not a question of their fitness for the post office; it was not a question with him as to whether they would be excellent servants of the public or of the post office; it was not a question with him of the public service or the public welfare at all; but he wanted to drive a bargain by which, whether it interfered with the public service or injured it, he could keep that newspaper man and his deputy, or whatever he was, out of that post office. Browne said: "I have found out that is different; that is in Congressman RAINEY'S district. He is a Democrat. LORIMER can do something about that." So he took him to LORIMER and Shephard laid this situation before him and wanted him to state whether or not he could control the appointment at Jerseyville and keep these men out. "Well," said LORIMER, "I have got my voice in the distribution of patronage as United States Senator, and I do not see why I can not keep them out. I will undertake to do my best to keep them out"—or words to that effect—I am not undertaking to give it literally correct, but I am giving it substantially as it is—and he assured him that he would see that they were not put in. Shephard said, "Well, I will vote for you."

It did not stop there. I do not know what else occurred. That is probably not all that occurred. I would not say but that this is all that occurred between Mr. Shephard and Mr. LORIMER. But Shephard's connection with these deals does not seem to end there, Mr. President. He voted for LORIMER; but he appeared at St. Louis on both occasions when the other boodlers were there. How do you account for that? You can not get away from that. This Henry Shephard was there both times. This was the identical Henry who wanted to settle the postmastership at Jerseyville, and he turned up when there was some feed over at St. Louis to be distributed, apparently to get his share. He says he did not get any money; but it does not look right. I am not satisfied with Henry Shephard's denial. I do not know what he was there for if he was not there to get some money. That is what the other fellows were there for. I do not know what he was there for on both these dates when these other men were there, why he appeared at the hotel where they were, why he went to the same room where they went, and why he went to his vault in the Commercial Trust Co.'s bank, why Mr. Beckemeyer should hear Mr. Wilson say, "I have a $500 bill for Shephard," if Shephard was not mixed up with the distribution of this money, both of what was called the "Lorimer money" and what was called the "jack-pot" money? You can not explain satisfactorily to a reasonable man that Shephard happened over there accidentally both times in that great city of St. Louis, and landed over there at that hotel, where these other fellows met, and went right to the very spot where the corrupt money was being distributed, and got right into the inner circle, into the bathroom where it was being paid, and then undertake to say that Henry Shephard just happened to be over there to get some packing for his automobile. He fixed the date for getting the packing at the identical date that Lee O'Neil Browne was inviting these men to meet him there and later on when Wilson was inviting them to meet him there. Oh, Henry's skirts are not clean; Henry's conduct has a bad odor about it. He made a corrupt agreement about his post office, and after that was made satisfactorily he got into the other deals. He got in them, and he got his pay—his part of the swag.

Beckemeyer, White, Link, Holstlaw, Luke, and Clark are in this so deep that I confess I can not understand how any person on earth can read this testimony and say that those votes were not corrupt votes, absolutely corrupt votes, corrupt as they were cast for Mr. LORIMER, because there was a consideration in money that induced them to go where they did. Lee O'Neil Browne, we were told the other day, did not deliver any votes, but friends of Mr. LORIMER delivered Lee O'Neil Browne and he could not help himself. That is a remarkable condition of things when Mr. Lee O'Neil Browne, who has been heralded here as a wonderful man, and whose testimony has been quoted over and over again as the basis for claiming that White's testimony ought to be disregarded, Link's testimony ought to be disregarded, Beckemeyer's testimony ought to be disregarded; and this man Browne claims that he had 30 votes that were under his leadership and that went where he wanted them to go, and that he in his repeated interveiws with Mr. Shurtleff and Mr. LORIMER insisted that they should not one of them be cast for Mr. LORIMER unless they would elect him, and that after that understanding was reached he went at it himself and his lieutenants and made a canvass to get these 30 men in line. He admits that himself. That very night they met at the St.

Nicholas Hotel. They had conferences. They made reports to Mr. LORIMER and Mr. Shurtleff, and finally reported that the 30 votes could be delivered, and the election came off the next day.

Mr. Lee O'Neil Browne, who had been the choice of these men for minority leader, admits that he had this understanding with Mr. Shurtleff and with Mr. LORIMER himself, and that he had started out to get for him these votes. Mr. LORIMER claims that he himself got only 34; he had to get 19 more; and who got them? John Broderick and Lee O'Neil Browne and their lieutenants got them. And how did they get them? Mr. LORIMER does not claim to have had personal influence enough to get any beyond the 34; and he says his friends got the rest. How did they get them? They got them in the manner that this record discloses. Lee O'Neil Browne's friends delivered him? Well, that is utterly ridiculous in view of Lee O'Neil Browne's testimony as he has given it to us here in the record.

He says on page 665 that these 30 men voted upon a signal, and that signal came in the form of a statement "yea" or "nay" made by Manny Abrahams; that that was the signal upon which they as a faction all decided how they were going to vote, right or wrong.

This man had control of these men, and he wanted all there was in it for his influence and control over them, and he used his power and influence over these men for the purpose of getting money, and he used it in this case for that purpose, and the testimony discloses that he so used it.

Now, I claim that Mr. Shurtleff and Mr. LORIMER and Mr. Lee O'Neil Browne were working together; that these three events which occurred at Springfield—the election of Speaker Shurtleff, the selection of Lee O'Neil Browne as minority leader, and the uniting of interests between LORIMER's friends and those handling the jack-pot money—that these three facts all worked together and resulted in the election of Mr. LORIMER.

My claim, based upon these three facts and what followed them, is denied, and it is attempted to get away from them by undertaking to show that Gov. Deneen was responsible for Mr. Shurtleff's election as speaker because he had abused his authority and his position as governor at Springfield in undertaking to dictate as to the organization of the legislature. I undertook to explain to-day how that claim was absolutely unfounded, because this contest against Gov. Deneen began in the campaign before the election in November. It began immediately after the primaries at which the governor was nominated; and his opponent at the primaries, ex-Gov. Yates, joined forces with Mr. LORIMER, and they practically bolted Mr. Deneen's nomination, and moved heaven and earth to beat him, so that he carried the State by only 20,000 or something like that when President Taft carried it by a very large majority.

When the legislature met at Springfield this opposition to Gov. Deneen, which began in the primary fight and contest and was waged after it and up to the election, went on and on and on, and it was not necessary for LORIMER to be out at Springfield in person, because he had his lieutenants there and everywhere in the State carrying on this contest to overthrow a governor in his own party. They were the men who succeeded in keeping out of the caucus of their own party and going in with the Democrats in electing Shurtleff speaker and securing the control of the legislature.

To show that I am right about that, I will read from a speech made in the Senate in May, 1910, by Mr. LORIMER, giving an account of the enmity toward him on the part of the Chicago Tribune, and in this speech, which I find on page 7294 of the CONGRESSIONAL RECORD, under date of May 28, 1910, this statement:

> After another bitter contest for governor in 1904 the newspapers succeeded, and Deneen became the Republican Party nominee for governor and was elected governor of Illinois. The strife continued in the party during his whole term. During the last year of the governor's term Senator Hopkins urged me to join with other Republicans, with a view to selecting a candidate to oppose Deneen for the Republican nomination for governor in 1908, and promised his support. In March of that year the friends of Gov. Yates urged him to become a candidate, which he did. He had the support of the organization Republicans in Cook County, who had organized the State with the friends of the Yates administration and succeeded in electing Hopkins Senator a few years prior.
>
> It was not until after Yates announced his candidacy that Hopkins went over to the Tribune newspaper combination, made his peace, joined with them and prevented his friends from supporting Yates, and urged them to support Deneen. When I discussed his attitude with Senator Hopkins, and told him that he was the first man to urge me to support a candidate other than Deneen for governor, he admitted the fact, but said he must hold to his present course or Deneen and the newspapers would defeat him for reelection.

Then he goes on to speak about the primary afterwards, as follows:

> But actions speak plainer than words and sentiment. Over 400,000 votes were cast for governor. Deneen was nominated by about 10,000 majority. Yates's friends were overwhelmed with the proof that almost every man with whom Hopkins had influence in the State, at Hopkins's request, had supported Deneen, while the friends of Yates had supported Hopkins and carried the territory for him in which they lived.
>
> After the defeat of Gov. Yates, all of the power of the city, county, State, and Federal administrations, under the leadership of Senator Hopkins, Gov. Deneen, and Mayor Busse, assembled into a misfit organization to make the final assault upon and destroy the last vestige of the Republican organization that had stood as a stone wall against the dictatorship of the Tribune and its newspaper combination for many years past. I was removed from the executive committee of the party.

These were the Lorimer Republicans. Does anybody mean to say that after this long, hard contest between Hopkins and Deneen and LORIMER and Yates, Mr. LORIMER and his friends went down to Springfield, or that Mr. LORIMER's friends—he being here—went down to Springfield and did not undertake to elect some man for speaker of the house whom neither Deneen nor Hopkins could control, elect some man for speaker of the house who would not use the patronage as speaker for either of them? Ah, no; no one can believe that. They went down there to put in for speaker some one who would be absolutely against Gov. Deneen and absolutely independent of Mr. Hopkins, and they were so determined to do that that they would not go into a Republican caucus. They stayed out of a Republican caucus. They would not agree as party men to accept the decision of a caucus in selecting a speaker, but they went over completely and formed an alliance with the Democrats.

Mr. BRISTOW. Formed a new party.

Mr. CRAWFORD. Yes; these regulars, always so regular and always so loyal, who always take their medicine, to hear them tell it, and never falter, and never fail, when they got licked out by Gov. Deneen and Mr. Hopkins at the primaries, bolted. They went against their ticket, moved heaven and earth to defeat their own candidate, and then went down to the legislature and refused to go into a caucus, refused to have anything to do with the caucus, because they were in the minority, and went over openly and made an alliance with the Democrats and selected Shurtleff speaker. Do you tell me that this election of a speaker was not an anti-Deneen and an anti-Hopkins matter, a Lorimer bipartisan Democratic-Republican-alliance victory, and I snap my fingers. I say you have not read this testimony nor studied the logic of it if you do not know that that is what they did, and nothing else. When they got Mr. Shurtleff elected speaker, whether at that particular time Mr. LORIMER was intending to be a candidate for the Senate or not is immaterial, because, as the history afterwards developed, it was one of the powerful occurrences which was necessary to a favorable situation which caused him to be a candidate afterwards.

You say he had nothing to do with the election of Lee O'Neil Browne as minority leader. Perhaps not directly, but the fact that a man of Lee O'Neil Browne's character, corrupt habits, unscrupulous habits, was selected as minority leader and put in control of the minority patronage in the State was a fact which, along with the selection of Shurtleff as speaker, played into the hands of the men who were determined to defeat Mr. Hopkins and to prevent Gov. Deneen from controlling the situation.

Well, when these two steps had occurred, then came the question of making the most of the situation which existed there in which such men as Browne and Holstlaw and Beckemeyer and Link and Luke and Shephard could be brought into line through the influence of this jack pot. That was another related fact, along with the control of the speakership, along with the power which Lee O'Neil Browne had as minority leader, which enabled Mr. LORIMER and his faction to hope that they could control the election of the United States Senator. So after they had got into the saddle in this way, supposing we admit that through the influence and popularity which Mr. LORIMER had built up in the deep-waterway movement, and through his influence as the organization head over there in Chicago, and the favors he had bestowed here and there upon such men as Manny Abrahams, that he could in an emergency secure, say, 34 votes, which he claimed, he did not have enough; there were 19 short; he had to get them somewhere, and the question in this case is, How did he get them? I never have gone to the extent of saying that he personally went out and bought them. Although he seemed to feel that I dealt unfairly with him in regard to it, what I said about that part of it is in the speech which I delivered here January 10, in which I said:

> And one can conclude, after carefully reading all the evidence here, that Mr. LORIMER himself did not know that fraud was being committed. I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

I meant every word of that.

I said this morning, and I say it again, that I can not understand the vindictive man. I do not know how to read the malicious man; he is a mystery to me. I can realize something about a fitful temper; I have a little of that myself; but the man who is vindictive and malicious, and out of malice and in a vindictive spirit would do harm to his fellow man, either to his character or in any other way, I can not understand. I used this language:

I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

Why should I? He never harmed me in the world. If it were a mere personal matter between him and me and not this question, which, to my mind, is the infliction of an awful wound in the heart of the Republic itself, I would be glad to waive it myself.

But I can not overlook the fact that for days and nights immediately preceding the 26th day of May, 1909, when these corrupt and tainted votes were cast for him, he was in Springfield.

He said he had a right to be there. I say he had a right to be there, but I say he was there "directing his own campaign"—he admits that—that he was in almost constant conference with Lee O'Neil Browne. He did not admit that, but that appears—he did not deny it, and the testimony of these other witnesses shows it—that—

he was in almost constant conference with Lee O'Neil Browne, and Speaker Shurtleff reported progress to him, and that he assured Shephard, the Democrat, personally, that he would procure the appointment of his friend as postmaster—

I think that is a little too broad; that he would prevent the appointment of his enemy is more correct—

at Jerseyville if Shephard would vote for him, and that Shephard afterwards turned up with the other boodlers at St. Louis on June 21 and July 15 to get his share of the money reward distributed by Browne and Wilson; and Mr. LORIMER, personally, had a talk with Link before his election and secured Link's promise to vote for him, and that this same Link also appeared with the boodlers at St. Louis and got his reward in cash.

Now, that is absolutely true.

Mr. President—

I said—

that Mr. LORIMER knew enough about what was going on at Springfield to put a reasonably prudent man upon inquiry.

Upon inquiry; that is all.

Now, he perhaps was not a "reasonably prudent man." He may have been overconfident; he may have been led by his friendship for these men to absolutely trust them and innocently believed that they were doing nothing but what was perfectly regular. I do not go to the extent of saying otherwise; but I say that it was a situation which should have put a reasonably prudent man upon inquiry. The courts of equity ever since chancery courts were first established to do what was just and right as between men in equity and in good conscience have held men responsible for what occurred through agencies they put in motion and under circumstances that would put a reasonable man upon inquiry. No one can deny that this is a sound proposition. If I select my agent and send him to do certain things for me, and he is engaged in my presence in using methods and devices that are fraudulent, I may not have actual knowledge of what he is doing; but if the facts and circumstances surrounding his conduct are such as would put a reasonable person upon inquiry and I accept the fruits of his conduct, then I am held responsible for it.

That is as far as I went—that there was enough occurring there to put a reasonable man upon inquiry—

That Shurtleff and Browne were his political agents and that he ratified their acts and accepted the fruits of their corrupt practices, of which he must at least have had some knowledge, and that he was not legally and duly elected.

That is as far as I went, and I think it is a fair and just conclusion from the record and the testimony in this case.

Now, were Mr. Lee O'Neil Browne and Mr. Shurtleff acting as the representatives of Mr. LORIMER or not? What does this testimony show? I will call attention to it.

Mr. Browne says, in his testimony, after this conversation with Mr. Shurtleff, he said Shurtleff had come to him a few days before the election—two or three weeks—and asked him to ascertain how many of his followers would vote for Mr. LORIMER. Now, just think of this. Here was Mr. Shurtleff, a Republican speaker of the house of representatives, elected by Democrats and Lorimer Republicans, who came to Mr. Lee O'Neil Browne and asked him to ascertain how many of his fellows would vote for LORIMER. You will find that on pages 592 and 594 of this record. He asked him how many of his friends would vote for LORIMER. Then he was asked:

Now, after this conversation with Mr. Shurtleff did you consider the proposition which he made or suggested?

Browne says:

I did.

Q. You gave it very serious thought?—A. Yes, sir (p. 594).

Q. Now, after you made up your mind and after your talk with Mr. Shurtleff and weeks or few days of consideration by yourself, did you have any talk with Mr. LORIMER—

Ah, here is Lee ONeil Browne and Mr. LORIMER coming together here—

with reference to his candidacy?—A. Yes, sir.

Q. When, for the first time?—A. I can not tell you.

Q. Can't tell us how soon after you made up your mind to be with him that you had a talk with him?—A. No; because I did not notify him first.

Q. Who did you notify first?—A. My recollection is that I gave Mr. Shurtleff an answer (p. 594).

Q. And you told Mr. LORIMER of that fact?—A. Conditionally.

Q. There was a condition?—A. Yes.

Q. And what was that condition?—A. I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that I would not consent to having a single one of the Democrats that I had any influence with cast a vote for Senator LORIMER unless his election was an assured thing; that I would not have those votes cast away absolutely (p. 595).

Why should Lee O'Neil Browne be so insistent that these 30 votes which he claimed he controlled should not be cast for Mr. LORIMER unless they would elect him? What was the reason? If he was a friend who wanted LORIMER elected unselfishly, why not cut loose and give him the benefit of his vote and give him a boom, whatever it is? Oh, no; not one should vote for him unless their votes should elect him. Why was such a condition as that put on? The votes would not be worth anything unless they delivered the goods, would they? They would not have any commercial value unless they were the means of procuring the election. That is what Browne wanted. This man Browne was a sharp bargainer in the political corruption business. He wanted the goods. He wanted the money, and he wanted to have the votes delivered so that they would have a commercial value. That is why this debate the day Mr. LORIMER was elected occurred, when he said on the floor he could not cash dreams, and English said: "Yes, but you can cash votes." English knew him. Mr. English knew what kind of man he was talking with there, who was getting up and saying you can not cash dreams, and it came back like a shot from English, "Yes, but you can cash votes." English knew what had been going on. Rotten things had been going on. This testimony shows that. After Shurtleff and Browne and Mr. LORIMER entered into this cooperation they began to make this canvass to get these 19 votes; Mr. LORIMER with his great personal influence—and I can compliment him on his fascinating victory over great obstacles and in the way he has made his way up in the world. I am glad to see that, but I say there were 19 votes they had to get for him.

Mr. President, I am willing to admit that the Senator from Illinois was in Washington on the 7th of January, as he says, and voted on a motion over in the House of Representatives; but I insist that, following that Yates-Deneen fight in Illinois, the lines were drawn and he had that following intact. When they went to Springfield they knew very well that it was a part of their business to see to it that neither Gov. Deneen nor Mr. Hopkins was permitted to select the speaker or to control the speaker. They were willing to bolt their party, to refuse to go into the caucus, to make an alliance with the Democrats, and do almost anything in order to secure control of the organization of the house and the patronage of the house. There was a Senator to be elected, and there was a $20,000,000 issue of bonds to be made in their deep-waterway project. These forces were contending for the control of both. I say that the election of this speaker was a part of this program, and that in his election they were willing to turn away from and absolutely throw to the winds the wish of that large vote which had been cast for Senator Hopkins.

I do not claim that every man who voted for Mr. Shurtleff knew what this game was, for he did not. Many an honest man undoubtedly, through plausible reasons, voted for him. I suppose they worked the claim that Gov. Deneen was trying to dictate who should be speaker for all there was in it. No doubt they shook that, like a red flag in the face of a bull, for all there was in it, and many a voter may have been misled by it; but the men who were playing that game of politics knew what they were doing. Do not forget that.

Any child in politics can see that there was method in this proceeding. The cry that the governor was undertaking to usurp the legislative function and dictate who should be speaker of the house, was a mere political strategy, according to the ways of machine politicians and their methods. I can see through that. It was a game; and I said when I made my speech on January 10 it was a game. I say here to-night it was a game, and nothing but a game.

The distinguished junior Senator from Iowa [Mr. YOUNG] is known all over the United States for the statement he has made that politics is a great game. That is the way they regard it in Illinois; and this was a game these fellows were playing. They wanted the speaker and in a cold-blooded way they proposed to have him, because they wanted to control the patronage and the issuance of these waterway bonds; they wanted to be in on the ground floor in the selection of a United States Senator, and they wanted to score one against Hopkins and against Deneen, and they did not care how. They went into this deal with the Democrats in cold blood—that is plain enough—for the purpose of preventing them from controlling this legislature and putting their own tools in the saddle. That is plain enough; anybody can see that; and they scored in their game.

I do not claim for a moment—I want to be fair—that the Senator from Illinois had anything to do with this election of Lee O'Neil Browne by the Democrats as minority leader. Lee O'Neil Browne managed that; but when Lee O'Neil Browne became minority leader, knowing the kind of a man Lee O'Neil Browne is, knowing what Lee O'Neil Browne would do if there was something in it, they went into a deal to use him and his 30 robbers—as the Senator from New York [Mr. ROOT] calls them—for all there was in it; and they made a deal with him to deliver just as many of them as he could to Mr. LORIMER. He started out to get them.

Now, I come to the things which happened while he was trying to get them. They wanted votes, and they wanted them badly. They had 34 Democrats, but that was not enough; they had to have 19 more. They went out to get them. This man Groves tells us how they tried to get him. Mr. Groves was a bluff old Democrat, apparently of the old school. I admire him very much from reading the testimony. He was an outspoken, courageous, and honest man, a Democrat of whom the Democrats can be proud. He was asleep in his bed in his room in the hotel after this agreement had been entered into between Shurtleff, Lee O'Neil Browne, and Mr. LORIMER that they should go out and get these votes. Groves was in his bed in the hotel, and Douglas Patterson, an ex-member of the legislature, raps on Groves's door. Mr. Groves gets out of his bed and opens the door, and in comes Douglas. Douglas says, "Mr. Groves, I think it could be made a matter of mutual profit to you and to me for you to vote to-morrow for Mr. LORIMER." Ah, Douglas evidently had lived in this corrupt atmosphere at Springfield, where they had the jack pot and the existence of which he knew, and he thought he could go into bluff old Jacob Groves's room and say to him, "I want you to vote for LORIMER to-morrow, and it will be to the mutual advantage of both of us." So he made that suggestion. Mr. Groves said, "There is not enough money in Springfield to buy my vote for BILL LORIMER." Patterson said, "Put down the transom; you are talking too loud." Groves was an honest man. He blurted out what he thought of this kind of business, "There is not money enough in Springfield, or in Illinois"—whichever it was—"to buy my vote or to cause me to vote for BILL LORIMER." Patterson wanted the transom put down at once, and wanted to make his escape. He saw he had made a mistake.

Is there any testimony in this record to dispute this statement of Jacob Groves? Where is it?

That is the testimony. It is not questioned; it is not disputed. It stands here in the record absolutely uncontradicted from any source.

What does that indicate—this ex-member of the legislature in the dead hours of the night, gently rapping upon the door of Mr. Groves, a member of the legislature, and on being admitted saying to him, "I want you to vote for LORIMER to-morrow"—this man Groves was a Democrat—"and it might be to the mutual advantage of both of us?" When the answer rings out through the transom, "There is not money enough in Springfield to buy my vote for BILL LORIMER," the reply is, "Please put down the transom."

Draw your own conclusions, Senators, as to that transaction. I think you know what it meant.

I come now to Henry Terrill. Henry Terrill was a Republican, and he was a Hopkins man. Terrill evidently believed that he was bound by the expression given by the voters of his State. He met Mr. John Griffin, the man whose vote Hinky Dink, I think it was, assured Mr. LORIMER that he would get if he was a candidate for Senator. Hinky Dink got Griffin to vote for LORIMER, and Griffin met Terrill when they were out ransacking for Democratic votes, and asked him to vote for LORIMER. Terrill asked Griffin what there would be in it. Terrill was trying to find out. I suppose he had heard some rumors around town that money was being used to get votes; so he asked this question.

What was Griffin's answer? "Why," Griffin said, "a thousand dollars, anyway." What do you think of that? When you stop to consider that that is the exact amount paid to White, to Beckemeyer, to Link—a thousand dollars—when you stop to think that was the going price for members of the house (in the senate they got a little more because they did not have to have so many of them over there, and Holstlaw got twenty-five hundred), but in the house the regular catalogue price appears to have been $1,000.

Terrill voted for Hopkins. There is no testimony indicating that he was committing perjury when he made this statement. He could not be bought. Terrill is not discredited. There is nothing here upon which men are justified in putting aside his statement.

Ah, this was a nasty, rotten, corrupt arrangement at Springfield, and why can not Senators see it? I do not know. It surpasses my comprehension. It is so plain to me that I am amazed there should be any question about it.

Here is still another circumstance. George W. Meyers. I know what has been said about this, but George W. Meyers was a Democrat, a member of the house of representatives; and this record shows that so far as he is concerned he could not be bought. The Senator from New Hampshire [Mr. GALLINGER] says he ought to have struck the man who said what he did to him. I do not think he ought to have committed a crime like that, and if what they say is true, that this jack pot had been in existence at Springfield for years, and that everybody knew it was there; that they had been buying legislation with it or suppressing legislation with it and dividing the boodle at the end of the session for years; and it was so well known that even counsel in this case on both sides accepted it as a matter of common knowledge, I do not know why Mr. Meyers should be so terribly surprised and why his virtuous indignation should work him up to the point where he ought to commit the crime of assault and battery on the floor of the senate because this man Browne said to him there is plenty of the "ready necessary."

I know that the Senator from New Hampshire, with all of the indignation of an honest man, would resent such a suggestion as that if made to him, and I do not know but that he might strike such a man, but the Senator from New Hampshire is not Representative Meyers, and he has not lived in an atmosphere like that of Springfield. He has not lived in a community that has become so benumbed apparently that a matter of a jack pot used for the purpose of buying legislation and selling it is accepted as a matter of course. So the way he would look at it and the way Mr. Meyers, who I believe is an honest man, looked at it, are two different things entirely. Mr. Meyers is not impeached. No one attacks his testimony on the ground that he is an unworthy man; not at all.

But what does Mr. Meyers say? He says that on the day of this election he was in his seat; he got a note or a summons from Mr. Browne to come over to his seat, and he went over and Mr. Browne asked him to vote for Mr. LORIMER. Both these men were Democrats, remember. Mr. Meyers, a Democrat; Mr. Browne, a Democrat; and yet Mr. Browne, a Democrat, was asking Mr. Meyers, a Democrat, to vote for a Republican. He said to him he would like to have Mr. Meyers go with him, because they were going to elect Mr. LORIMER, and that there were plenty of good jobs and the ready necessary, and that Mr. Meyers says, "Lee, I can not do it."

Then the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER] would lead us to believe because he protested he could not do it, but did not commit a crime by assaulting this man, that it is evident he is an untruthful witness. I think that is an unwarranted conclusion. I do not think it is reasonable. I do not think it is natural. I do not think it is justified. I think the answer that Mr. Meyers made, considering the time, the conditions surrounding it, was just about the answer that the average honest member of the legislature would make.

Senators refuse to be surprised at the testimony of these other witnesses in relation to what occurred at St. Louis and in Chicago, but when it comes to this incident connected with Mr. Meyers they throw up their hands in horror and say it could not have occurred, because Mr. Meyers would have immediately reported this man and prosecuted him or beaten him.

Mr. Meyers makes the statement that Mr. Browne said to him that they had good State jobs to give away and "the ready necessary." Some one says, "Why, the idea of Mr. Meyers going over to Mr. Browne's desk in the open session upon the floor of the assembly hall and such a conversation occurring there in the open session is absolutely preposterous." How many Senators make note of what happens between two Senators if one goes over to the seat of another and exchanges quietly, perhaps

in whispered conversation, a few words with that other Senator? They do not notice what is said once in a hundred times, because they are not eavesdroppers meddling with the affairs of other Senators. There was no occasion for them to make note of what occurred, and it is absolutely absurd for men to say that this could not occur without everybody knowing it.

There is not a Senator on this floor who could not go to another Senator and, in an undertone, carry on a conversation about some matter and go back again and not another soul in the Senate except those two men know what they said to each other. Now, you all know that. I do not think this is an extraordinary thing at all, or an unnatural thing under the circumstances which prevailed at Springfield.

Mr. Meyers said that this occurred. Mr. Browne denies it; but Mr. Browne is a scoundrel, and everybody knows it, and Mr. Meyers is a reputable man, against whom not one word can be said except what may be claimed from these circumstances. He did not sell his vote.

They tried to show by a page that the page did not see him go over to Browne's seat. There is nothing in that. Would what a page might say with reference to an event that occurred 14 months ago, that he did not see a Senator from this side of the Chamber go over to exchange a word or two with the Senator from New Hampshire [Mr. GALLINGER], be considered as evidence against the fact that he did go? It is not worthy of consideration at all. It has absolutely no value.

George Alschuler—I have heard nothing said against him as a man; I do not know anything about him—sat back two or three seats behind Browne, and he said he did not see this, but it might easily occur and Mr. Alschuler not see it or hear what was said. He was in no position to deny it a year and a half afterwards.

But Mr. Meyers, who did know, who was the one to whom the remarks were addressed, the one to whom the appeal was made, who was the one whose vote was sought, said it did occur and that this man did solicit his vote and tell him they had the good State jobs and the "ready necessary."

I can not refuse to believe the statement of Mr. Meyers. He is unimpeached. He is not discredited. He is not attacked by any testimony that appeals to me, and his statement fits in with the statement of Henry Terrill, which shows what was going on. It fits in with the statement of Jacob Groves, which shows what was going on. It harmonizes with the admitted fact that there was a corruption fund there. Then, in the same connection, about the same time, is this Holstlaw transaction that I have reviewed over and over again. I can not drive my mind and coerce my faculties into any process of reasoning by which I can get away from the compelling force of all this testimony. I can not get away from it.

Senators must not expect me to get away from it. I can not. I have no prejudice in this case, but I have got to be governed by my judgment and my convictions, and I can not get away from it.

I am a country lawyer and I have tried a good many cases, some of them involving a good many thousand dollars, some of them involving human life and sacred personal rights, and I have had some experience in weighing testimony.

I can not get away from the compelling force of this testimony nor throw it aside nor reject it nor escape the logical conclusion that it forces upon me that this transaction between Holstlaw and Broderick was a corrupt transaction and a crime. Then there is De Wolf. They said "poor old Jacob De Wolf," whom I have abused. Jacob appeared to be around hunting for some Republican to deliver his vote to from the time the thing started almost. Jacob wanted to deliver his vote to Hopkins and tried to go and organize the Democrats for the purpose of delivering them to a Republican, and I see in this record that Jacob over and over again during the various roll calls voted for Lee O'Neil Browne for Senator.

What do you think of the purity of motive and disinterestedness of De Wolf when he was a blind follower of Lee O'Neil Browne, voted for Lee O'Neil Browne for Senator, and followed Manny Abrahams as his bellwether? In August, just after these transactions occurred in St. Louis, where money was paid, Jacob makes a payment on his real-estate transaction of $600. I do not like the looks of that myself.

Joe Clark, outside of Lee O'Neil Browne, was one of the smoothest villains of them all, but he left behind him a trail of the most suspicious circumstances all the way through. He happened over here at St. Louis on both occasions. He tells White, so White says, that if it had not been for him Link, I think it was, would have delivered his vote for less than what he did, but that he induced him to hold out and got his thousand dollars.

Oh, these votes were not honest votes. These Democratic votes cast for a Republican, with all these circumstances so well established about them, were tainted votes, corrupt votes. To use not elegant English but truthful English, the transaction was rotten.

Beckemeyer, White, Holstlaw, Link, Luke, Wilson, Browne, and Broderick, everyone of them Democrats who voted for Lee O'Neil Browne and by this testimony so clearly established that I can not escape it, voted for him for a consideration in money. This can not be set aside as a trifling matter, not to be seriously considered. The personal equation, the kindly feeling toward the sitting Member, the reluctance about putting him to any inconvenience and having him go out of here with this history of these transactions connected with him, are expected to overbalance and put away from consideration these tremendously serious facts in regard to fraud and corruption in connection with the votes cast for the sitting Member.

Mr. President, if the elections in the United States are to be the subject of cold-blooded purchase, what does this Government amount to? You arraign these poor people over in Adams County, Ohio, because they sold their votes, but you never hear a word said about the men who bought their votes. In this day and generation, where poor people are struggling for an existence in this world, and where in some localities they are pressed by hunger and by want, I can see some excuse for them. I say that there is some excuse for the poor man driven by hunger and by want and by privation, if they yield to the temptation and sell their votes, because they need the money to buy bread. But I ask, where is the excuse for the man who has the money and who seeks to use it by corrupting the ballot box, who goes out and holds this gold up in the face of these poor people and tempts them by that gold to sell their honor and to corruptly deliver their votes?

If that sort of thing is to go unchallenged and be accepted as a matter of course, the American Republic is fast approaching its end. What are we to think or contemplate if in this day of which we speak so often, when great fortunes have been amassed, where the holdings of one man may mount up until they are counted not by millions, but by billions, if this wealth is to be used among the poor for the purpose of buying from them their honor? What is to become of the American Republic?

It will not last long. And yet a situation like this we view apparently with indifference, and look at it, not from the standpoint of the public welfare, not from the standpoint of the preservation of purity in our national life; all that is treated as too far way, and the whole issue narrows down to a feeling that the purpose of the investigation is the protection of the good name of the sitting Member. To my mind this matter is so fundamentally serious; it reaches so deep; its consequences are such a menace to our national life, to the public welfare, to the existence of the Government itself, that I can not think of the incumbent of the office except as a mere incident of secondary consideration and that the integrity of the election, the integrity of our political institutions, are vastly more important.

We live in an atmosphere of indifference, of self-satisfied existence. We do not borrow trouble on account of to-morrow; we are living for to-day. We are absolutely drunk with power. The great corporation or the political machine which has power gets drunk with power. It exercises it for the very love of exercising it, and feels a delight in crushing with a steam roller, or some other process, every helpless individual who stands in its way, and gloats in it and glories in it. There is too much of that. It becomes unscrupulous. If you can not win one way, win another, because the only thing in the world is success, no matter how you get it. All you are asked to do is to win, no matter how. Power without scruple is what counts. Results are what tell. If you have money, use it. If you need votes and do not know any other way to get them, buy them—just so you get them. This is the creed of wealth and power with its boss and its machine.

I am not overdrawing this picture. So help me, God, I am telling the truth about it. Make a great big purse, and each man put, and each company put up, and go to Springfield with it; go to some other town with it, and use it and get results; that is what you are asked to do. What is going to become of the integrity of our political life if we are to treat with callous indifference a situation like this?

Throw it to one side and say that the man who is trying to stand for honesty in these things is playing to the galleries; that he is simply bidding for the support of the muckraking magazines to make himself prominent; that he is not sincere; he is a reformer. Ah, it will not do to treat a question like this by dismissing it with such talk as that. You can not get away from it with such talk as that. I will tell you what you are going to do now, and I am not indulging in any idle prophecy: We are going to have more honesty. We are going

to set our faces more sternly against situations like this at Springfield. We are going to hold men who are the beneficiaries of these transactions to a strict accountability, and if they are not here on the square we are going to turn them out or else we are going to have a revolution. I do not mean a revolution of bloodshed; no; not at all; but, whether it is wise or unwise, whether it is sound or unsound, you are going to have a revolution in our form of Government, and you will have a democracy, and a pure democracy because of the distrust that situations like this create among the people of this country.

Oh, men will just simply say that is the talk of a demagogue. It is not. These situations can be avoided if we deal with them with courage and insist upon honest elections and do not shrink from our duty when the evidence shows that there has been corruption. That is absolutely true. You can not get away from it.

I do not know, I am puzzled somewhat to conjecture, what kind of government we will have here in another generation in the United States. I do not know. The conservative does not know. The ultraconservative does not know. The radical does not know. The Democrat does not know. The ultraradical does not know. The Socialist does not know. But we all do know that changes are at work everywhere of one form and another, and we all do know that protests are coming up in one form and another, and changes are insisted upon of one kind and another. Whenever your people lose confidence in the Senate of the United States because they are convinced that men get into this body by the unlawful use of money, whether it is by themselves or without their knowledge by those who are working for them, whenever that conviction fastens itself generally throughout the United States, do you know what may happen? I do not; only I am sure something very radical will happen.

You can not dismiss this situation lightly with the charge that it is the result of demagogic attacks or of attempts to destroy character. It is too serious for that. Here are Browne, Holstlaw, Broderick, Wilson, Link, Luke, Beckemeyer, Shephard, this bunch of fellows appearing in Chicago and St. Louis getting this boodle, voting corruptly, dishonestly, and induced to do so by money, for a candidate for the United States Senate who would not be here but for those votes.

This is the testimony, testimony that ought to be considered; testimony that is read everywhere by intelligent men and honest men, just the same as we read it. They have an absolute conviction in regard to it. Is this testimony overthrown? By whom? I think it is a rule recognized everywhere that a statement made by a criminal against his own interest is good testimony. His own statement in his favor is not good. Self-serving declarations are not good; but admissions of guilt, admissions against himself are regarded as credible testimony. This testimony, especially the testimony of a man who, like White, was often found to be under the influence of drink, his discretion gone, his caution gone, giving expression, without realizing its consequences, to his thoughts; what he said under such circumstances is the most valuable kind of testimony, in my opinion, no matter how black you paint him. It is the most important kind of testimony because it is testimony where under the circumstances you can not charge him with making a statement from any selfish motive, but involuntarily he is expressing his innermost thoughts. When we find him talking with the cigar girl at O'Fallon, and down at Springfield practically offering his vote for a corrupt consideration, the man was giving expression of himself against his own interest; and, to my mind, for that very reason, his testimony is corroborative instead of self-destructive.

Last year, when Mr. LORIMER made his address, he paid a very high compliment to Lee O'Neil Browne. He could not conceive of the possibility of any person ever approaching Browne with a corrupt proposal. He said he recollected a circumstance several years ago, when he was having a pleasant chat with Mr. Browne, and Browne told him that he believed the Bible from cover to cover, that he was an exemplary Christian man. Well, Lee does not appear to be that kind of a man.

Mr. GALLINGER. He fell from grace.

Mr. CRAWFORD. He did fall with a vengeance. He fell a long way. We have painted White about as black as a man can be painted here—I think deservedly; we have made him out a dissolute wretch and a scoundrel, and yet Lee O'Neil Browne called him his "dear old pal." Lee O'Neil Browne, after this swag was distributed, set apart a time when he and his "dear old pal," White, could go off on a bumming trip and enjoy the fruits of the boodle that the one had paid to the other. The letters disclose that. They go up and down, across the Lakes, in their bacchanalian celebration. Lee O'Neil Browne—this Christian gentleman, who believes his Bible from cover to cover—is the man who finds in Mr. Charles White his choice, favorite companion. Mr. LORIMER is too trusting altogether. His confidence in men is entirely too implicit when he is led to form this opinion of Lee O'Neil Browne, who enjoyed these relations with Charles S. White. These telegrams and letters all through this record passing back and forth between Lee O'Neil Browne and White and Beckemeyer and Link unite these men together with testimony that is not dependent upon oral utterances of any of them. How are you going to get away from that? It is there; it is in the record; it can not be overthrown; it can not be successfully impeached.

Scheming interests get together over in Chicago, or somewhere else, before the legislature meets down at Springfield and each contributes a certain amount to make up a corruption fund with which to buy men, with which to buy legislation, with which to kill legislation. Is not that a fine spectacle?

Yet men look upon that as something that should be tolerated. There are not many of them who look upon it in that way, but a few do, I suppose, but not many, thank God. But there it is. Everybody seems to admit that something of that kind exists to buy men, buy legislation and suppress legislation for whom? The big interests. That is not the talk of a demagogue. It is fact which appears here, and is accepted without question. A small matter, is it? If we have grown into a state of mind where we look upon that as a small matter in this country and in the greatest legislative tribunal in the world, how much longer have we to live? A small matter, a mere trifle, a little thing not to be considered in determining the personal claim of an individual to a seat in this body, because his desire is vastly more important. Is that right? Is that the way to look at this? Is that a fair measure of the importance of this question?

The jack pot was there. Lee O'Neil Browne was next to it—mighty close to it. Beckemeyer knew about it. They all had hungry stomachs for it; they were greedy to get it, and they did get it, and, as a result of their getting it, the sitting Member got votes that he would not have gotten otherwise, and without which he would not have been elected. That is what this testimony shows. Fairly construed and fairly weighed, I do not know how you can escape the conclusion, because it is in the record.

Mr. President, if we are to consider the statement made by the sitting Member as testimony it undertakes to account for some of these Democratic votes, but it comes far short of accounting for all of them.

He gave the circumstances under which he got the vote of State Senator Hearn, a Democrat, and Mr. Gorman, a Democrat. He claimed he got Gorman through the deep waterway proposition; that Mr. Gorman lives at Peoria, and that influential people in his town, without regard to party, were in favor of Mr. LORIMER on that account, and they came up and asked that he be elected. He goes into an explanation of the vote of Gorman. He also undertakes to explain the vote of Mr. Riley on account of the deep waterway; that that was a hobby of Mr. Riley, and Mr. LORIMER had given a great deal of time and magnificent service to that; and, as an appreciation, he got the vote of Mr. Riley.

He undertakes to account for the vote of Mr. Cermak, a Democrat. He says he was honest; that he got his vote in connection with the proposed amendment to the constitution for the sale of $20,000,000 of bonds.

He says he got Henry Shephard's vote—and this is the explanation he gives for that vote:

Then we come to Henry Shephard; and what about Henry Shephard?

Well, I think there is a good deal about him—

When the congressional party came back from New Orleans to Washington at the opening of Congress, I called a meeting of the men that had made the trip and we organized among the Members of Congress an association. When I notified Mr. RAINEY, he told me he could not attend that night because his friend Henry Shephard was in town. I invited Henry Shephard to come to that little dinner that we organized, and it was there that I first met Henry Shephard. It was there that he first became interested in this work. It was at that time that a friendship grew up between him and me that lasted until to-day. Henry Shephard was a member of the legislature, and he was for this proposition all the way through.

That is all he says about Henry; but that is not sufficient. Henry says he would not vote for LORIMER; that he was a rock-ribbed Democrat; and he would not vote for him under any circumstance, unless it was one. That was that post-office deal. Mr. LORIMER did not mention that. That is, if Shephard could prevent the appointment of his enemies down there to the post office he might vote for Mr. LORIMER, but nothing else could possibly fetch him. Mr. LORIMER said nothing about that. Henry does. He got a promise because they had a Democratic Congressman down there, and he got a promise that he accepted as a condi-

tion of his support. He got a promise from Mr. LORIMER, upon which he said he voted for LORIMER. It was a corrupt promise, too.

But that is not all connected about Henry Shephard. Henry appears in several other acts in this play. The curtain does not drop there, so far as Henry is concerned; but Henry turns up in St. Louis when the boodle is being divided. Henry gets there and lands in the Southern Hotel at a very propitious time for Henry. Henry is not in the habit of missing things like that. There was some intuition that led Henry to believe that it would be a good thing for him to go to St. Louis and be down at the Southern Hotel on a certain day, and Henry was there. So was Lee O'Neil Browne; so was the whole gang of them—Clark, Luke, Link, Beckemeyer. The whole crowd was there, and Henry was there. I think Henry got some of the swag. I do not think it was an accident. I think he knew that the money was to be divided, and he considered that he was entitled to his share, and he went there, and I would have no doubt that he got it.

Henry went home, and on the 15th of July, when these noble heroes met there again to exchange felicities, Henry was there also. Oh, yes; he went there this time to get some packing for his auto. He was there. Henry never missed a good thing. Henry's intuitions were simply remarkable, because he knew when there was to be a meeting where swag was to be divided in St. Louis, on the other side of the Mississippi River. Henry's automobile needed packing just at that time. Henry went.

Of course, Henry found it necessary for reason on the same day to visit the bank where he had a safety vault, and to visit the Southern Hotel on the same day, and to meet his old friends, whose acquaintance he had made at Springfield during the winter before, and so he appeared there.

I do not think there is any doubt that Henry got his part of the jack pot—the $900—because Beckemeyer says that when he got his Wilson says "I have this $500 for Shephard." He went over to the bank.

Mr. LORIMER goes on, after he gets through with his little statement in reference to Shephard, to explain about George Alschuler. George was a bitter enemy of Hopkins. Of course, George was a Democrat, and he could be a bitter enemy of Hopkins, and he could be a consistent Democrat by voting for a Democrat, but he was a bitter enemy of Hopkins, lived in Hopkins's town, and the fact that he was an enemy of Hopkins was used as an explanation of his vote for Mr. LORIMER. And then he was in favor of this deep-waterway movement. Suppose we accept that; do not question it at all, and pass on to the next. That is not enough.

We come then to Charles Luke, and he undertakes to explain why Charles Luke, a Democrat, voted for him by saying that Hopkins was a bitter partisan; that he had made campaign speeches over in Luke's district and had abused the Democrats, and so Luke had it in for him; and he gives that as an explanation of why Luke voted for him—LORIMER. I am not satisfied with that, because there is a whole lot more testimony here about Mr. Luke that Mr. LORIMER does not appear to know anything about.

Charles Luke seemed to have that intuition with which Henry Shephard was gifted, and when they met over in St. Louis on the 21st of June and on the 15th of July to divide the swag, Charles Luke was there both times. He was invited up into the room with the rest of them, and a great deal remains in the record identifying him with these corrupt transactions. Mrs. Luke, it is true, says the time when she saw him have $950 was before he got this telegram to meet Wilson in St. Louis on July 15. But it was some time after the legislature had adjourned, and she says he was out of town somewhere, she does not know just where, and came back with this money. The testimony indicates he went about the time these other men went to St. Louis—the first time June 21. She saw him have $950 in bills. After that she knows he got a telegram calling him to St. Louis, and he went, and the other witnesses say he was there both times.

Now that is very much more testimony than Mr. LORIMER was able to give us; and it shows that Mr. Charles Luke, who put the Democratic candidate for Senator, Mr. Stringer, in nomination, was his supporter until the 26th of May, when he flops over and votes for Mr. LORIMER.

That looks bad. It fits in with the rest of this record. It dovetails with the rest of this testimony. It indicates guilt on his part in common with that of Link and Beckemeyer.

Mr. President, this is not all imagination. This is not all manufactured story. It is preposterous, absolutely preposterous, to try to dismiss this closely connected chain of circumstances and facts and incidents, so many of them not within the control of the men who were playing their parts, by saying it is manufactured and untrustworthy. You can not get rid of it that way. It will haunt you forever afterwards, when you reflect upon it and undertake to dismiss it on the theory that it is all manufactured and untrustworthy. It is not.

There is no way to establish such a preposterous claim as that. These are established facts, from which there is no escape, and it puts a taint of corruption upon from 7 to 11 votes, and the question is, Without them would Mr. LORIMER have been elected, and would he occupy a seat here without them? He certainly would not; and if without them he would not be here, would not hold his certificate, how are we going to permit him to remain here?

If we weigh this testimony, weigh it conscientiously, and weigh it as jurors would weigh facts and testimony in the ordinary affairs of life, it seems to me there is no escape from the conclusion that there was not a valid election. I have never attempted to discuss the law of this case. It is not necessary now; it never was necessary for me to discuss it. It has never been anything but an application of a simple rule, and that is this: If this Senator would not have been elected except by receiving these tainted votes, then his certificate is invalid, although he knew nothing about it. There can be no question about that.

What I insist upon is that this testimony shows at least that much, and I insist that it also shows, not that he willfully knew and connived and participated in the fraud—I never have made that claim—but that he was present and had his agents at work, and there was enough going on during his stay there to put a reasonable man upon inquiry.

That being true, by the most simple rule of equity and chancery he is bound by what followed, and he can not accept the fruit; he can not be the recipient of the fruits of these fraudulent transactions carried on under these circumstances by these men who were going to and fro among these purchasable Democrats and using somebody's money to secure their votes for him. He can not escape personal responsibility for the acts of these men.

Mr. President, I have no doubt but that every Member of this Senate will agree with me, and agree with me without any reservation whatever, that the very existence, indeed the right to exist as a nation and as a government, depends upon the simple question whether we are honest and faithful to the underlying principles upon which this great fabric of government rests. If honor has departed and money has taken its place, if integrity has lost its force and control and commercialism has been installed in its stead, if seats in this body, representative as it is of the national life and national existence, are to be a matter of barter and sale and a mere question of purchase, we have no right to exist; we are unworthy, and the sooner we go out of business the better.

Legislators, of course, will make mistakes. It is to be expected that they will make mistakes; but if they are honest and true to their trust the mistakes are not serious. The mistakes are easily corrected, but if we are going back to the days of Robert Walpole and Lord Holland, when it is a question of buying place and corrupting voters, we had better stop that clock and turn it back and turn our faces to the rear instead of forward, because we have reached the acme, and from this time on we are going down.

No; what we must insist on here is honesty and sincerity and loyalty to conviction, and absolute loyalty to the people who sent us here.

TARIFF AND RECIPROCITY.

Mr. President, by way of digression, I wish to say that two years ago, just after I had been elected to the Senate, I came to Washington to attend an extra session of Congress. I had been in Washington but twice before in my life. I had never seen a national legislature in action but as a visitor in the gallery once or twice in the long years that preceded my election as Senator. On one of my visits Grover Cleveland was President of the United States and on the other Theodore Roosevelt. My whole experience in life had been confined largely to the great West, in the heart of which I first saw daylight on my father's farm up among the Mississippi River hills in northeastern Iowa, in an old farmhouse out in the woods, away from the roadside, in that pioneer stage of early life of Iowa when they were just opening up in the woodlands her first settlements. My father and mother were of the old stock of Scotch-Irish Presbyterians, who believed in the Westminster Catechism and practiced the Ten Commandments.

There were 12 children in the family—9 boys and 3 girls—and each one had his little Testament. The family prayer that was offered every morning was a prayer for the President of the United States and for the preservation of our Constitution and

for a blessing upon the rulers of this Republic. In the convention at which I became a candidate for this office, a Republican convention, we declared for the protective tariff, but we made two or three exceptions. We wanted free coal, Mr. President, and free lumber, and free iron ore, and if there was a monopoly producing a manufactured article we wanted the tariff upon it reduced to a point which would permit importations sufficient to create competition. That was a very nice theory and it was a fine declaration to put in our platform.

We based our belief in this doctrine of free lumber and free coal and free iron ore upon the claim that it rested upon a proper conservation of our natural resources, and would promote the preservation of these resources. When we were making up the tariff bill, the question came up with reference to putting certain articles on the free list. I was for free lumber and free coal and free iron ore.

The Democratic Party in its national convention at Denver had declared for the same things, and while I had some doubt about the support of eastern Democrats or eastern Republicans from manufacturing districts for this proposition, I had no doubt but what the Democratic Party would be largely united upon the proposition that we should have in this new tariff law free lumber, free coal, and free iron ore.

I made a speech in favor of it, and I remember that in a few days afterwards a member of the Senate, whom I learned to love, because he was a true gentleman, one of nature's noblemen, a gentleman of the old school, and always kind to me—a Democrat—who sat here or near here—Senator Daniel, of Virginia—stood up here and made an address, in which he opposed putting lumber on the free list, and he opposed putting coal on the free list, and he told us in an inimitable way why he objected to removing the tariff from lumber and from iron ore. He went on to tell how in Virginia thousands of laboring men were dependent upon their labor in the iron mines for the support of their families, and how they went down into the poison-laden vapors of those mines and took their lives in their hands for the purpose of earning a wage there that would enable them to support their families. He protested against permitting iron ore to come into this country from Cuba free, which might interfere with the opportunity of those laboring men in Virginia to earn their living.

He opposed for the same reason largely the removal of the tariff from lumber, and I remember how he stood up behind his desk here and put his crutches over against it and looked with a sort of proud and haughty air over the Senate Chamber and said:

I do not care what you call this; you may call it a tariff for revenue, or you may call it a tariff for protection, but it is a good thing for Virginia, and I am for it.

So I discovered that my dear old friend, Senator Daniel, in the making up of this tariff, felt that he was obliged to represent what he considered the best interests of the people in Virginia, the State which he represented; and while I, a Republican from a Republican State, was advocating the placing of lumber upon the free list and iron ore upon the free list and coal upon the free list, notwithstanding the Democratic platform at Denver had declared for the same things, this doughty old Democratic warrior from the grand old Commonwealth of Virginia, the mother of Presidents, was arguing for a substantially protective tariff upon lumber and coal and iron ore.

I remember also that during that debate the distinguished Senator from North Carolina [Mr. SIMMONS], who so ably represents his State here, with his associate, made a speech in which he defended a tariff upon lumber, and made what it seemed to me was a very good Republican protective tariff speech.

I remember that when we passed over into the State of Georgia, one of the Democratic Senators from that State voted for keeping a tariff on lumber and the other voted to take it off, and both represented what he believed was the best interest of his State and voted according to what he believed was a loyal expression of his view as a member of the Democratic Party.

I remember that when we came over into the State of Mississippi, the very able and distinguished senior Senator from that State [Mr. MONEY] declared in favor of the tariff upon lumber as a tariff for revenue. His position was that it was an article of commerce and that it ought to pay its share of the revenue; that it was a mere detail and that it ought not to be specifically mentioned in the party-platform matter, which he maintained should declare general party principles without committing itself to details.

I remember also that when we were making up that tariff something of a contest arose between the Senators from Florida and the Senators from Maryland. The Senators from Florida wanted the tariff on pineapples increased quite materially, because they said that Cuba had the advantage over Florida in the raising of pineapples; that their season was earlier, and they could get their fruit on the market sooner; there was an advantage in favor of the Cubans in the labor cost, and they said unless the tariff was increased upon pineapples they could not compete with Cuba; so they asked for an increase of the tariff, as I recall it, of over 100 per cent.

Immediately there was a very sharp difference of opinion between the Senators from Florida and the Senators from Maryland in regard to the tariff on pineapples. Maryland, it would seem from the speeches at that time, cans pineapples in large quantities, and wants to get them from Cuba without any tariff. So we had here a difference of opinion between our good friends from Florida, who wanted the tariff on pineapples increased, and our good friends from Maryland, who wanted it taken off entirely. That was all right; it was consistent enough; but it showed that as representatives of their respective States these able and distinguished and honorable Senators were doing the best they could, in a give-and-take policy, to represent their constituents in establishing schedules that would be as fair under the circumstances as could be secured.

The situation was very similar in many other things. The Senators from Colorado and Idaho wanted the tariff upon lead ores increased. The Senators from the Northwestern States wanted the tariff retained upon lumber and upon shingles. The distinguished Senators from California wanted an increase on lemons. By great ability and diplomacy and most excellent management they succeeded in securing what they wanted; but then I am told the Union Pacific Railroad Co. increased the transportation charge on lemons by just the amount which they succeeded in having the tariff upon lemons increased, and they lost the benefit of it.

So I discovered, Mr. President, that under the old method of making tariffs it was a sort of a grab game, in which each community was seeking to get all that it could out of it and to make the best bargain with its neighbors that was possible, and that the result was not satisfactory. The result under such circumstances could not be expected to be satisfactory.

I discovered that this old method of making a tariff was the same which had been followed in making tariff laws for generations, and that in the absence of some better way each Senator considered himself as a trade ambassador to represent his State in driving the best bargain for its people that he could drive.

The State I represent in part was no exception. Our people had some sheep out on its western ranges. They were producing wool, and they thought the tariff should remain on that commodity. The legislature that sent me to that extra session passed a resolution through both houses almost unanimously protesting against the reduction of the tariff on wool—the very legislature that gave me my commission made that sort of a declaration. I could not escape from it, no matter if I thought the tariff on wool ought to be reduced. The people to whom I was indebted for my commission and who sent me here expressed their wish in regard to it, and I felt bound by their instructions and voted against changes in the woolen schedule. This shows the condition of things under the old method of making a tariff. Selfishness, local interests, rise above every other consideration and it was a sort of grab-bag method. The East was trying to get all it could get.

Mr. GALLINGER. And it did.

Mr. CRAWFORD. And it did. The West was doing the best it could; and it did. California did magnificent work, but got cheated out of it afterwards. The Pacific States certainly put up a magnificent fight to retain the tariff on lumber. Our southern brethren wanted free cotton bagging; and I always thought they ought to have it; but they did not get it, though they got free sulphate of ammonia.

A TARIFF COMMISSION.

I do not believe in this reciprocity pact which my friend, for whom I have very great admiration, the Senator from Indiana [Mr. BEVERIDGE], advocates, because I think it is a one-sided affair; but, Mr. President, I do believe in a tariff commission. If President Taft were to call this Sixty-first Congress back into an extraordinary session again, and we should go out as we went out in 1909 to revise the tariff, and should proceed according to the old method of revising, with no testimony, everyone acting for his locality, by the old grab-bag process, I do not believe, after the severe drubbing we have received, after the lesson which experience has taught us, if we should follow the old method that we could make any better tariff bill again than the Payne tariff law of 1909. I think we would get about the same result if we went at it in the old way, because we have no testimony. We were told that over in the other House the

Committee on Ways and Means sat for a number of months and took a lot of testimony, but what was it worth? Who gave that testimony? What kind of people gave it? On one side the importer, who is dealing in imported articles and wanted to get the tariff off entirely. He testified in his own interest, and his wish was to cut it as low as he could possibly cut it. He was an interested party. On the other side was the manufacturer, who wanted to make money in a protected market and wanted to shut out foreign competition, so that he might personally profit by its exclusion. He testified in opposition to the importer and allowed his imagination to carry him to any extent which he thought was necessary to maintain his theory. The testimony came from men governed by the same motives—testimony ex parte, hearsay, and prompted by supreme selfishness. Such testimony is not worth a pinch of snuff. I would not give a penny for a bushel of it.

I remember one day we were working upon the tariff schedules, when all at once a sharp debate arose as to whether the tariff should be increased or reduced on quebracho. I said to myself, "What is quebracho?"

It was a new word to me. I had never heard of it. Whether it was a mineral or a tanning extract I did not know. None of it is produced in my State. I discovered, however, that the two Senators from Virginia were very much in favor of keeping the tariff on quebracho, while the distinguished Senator from Wisconsin wanted it materially reduced. I found out in a little while that it was a tanning extract. I think they get it down in South America somewhere, and the tanners wanted the tariff on it removed. But an equivalent or a substitute for it is made out of chestnut bark from the chestnut trees they grow in the Allegheny and Blue Ridge Mountains, and men in the mountains are earning a living for their families by stripping and selling this chestnut bark for an extract which comes into competition with quebracho. So the Senators representing the Appalachian region were insistent that the tariff should be kept and even increased on quebracho, while the States where great tanneries exist wanted quebracho to come in free.

There you are—a conflict of interest and no testimony. There was absolutely no testimony from which I could ascertain how much less it costs to produce this tanning extract called quebracho than it does to produce the extract from the chestnut bark. I knew nothing as to what the difference is in labor cost, or in transportation or in production. Did anybody else know? Mighty few. Almost everybody was situated just as I was. What could you do with it but make a guess—a guess in the dark, a guess without testimony? It was just so with reference to one item after another. We had no testimony.

Mr. President, my contention is that the only way out of this tariff wilderness is for us—and we would like to preserve some protection for our home market place—to have an efficient and nonpartisan tariff board or commission, with power to investigate each item of the tariff, to put people under oath if necessary; make them produce their books and papers, get to the facts, report the facts to Congress, and make up a book after the style of the Pharmacopœia, which the druggist uses, which will enable us, when an article like quebracho is being considered, to turn over its leaves and find the name of the article and ascertain from experts who have investigated the subject where it is produced, how much it costs to produce it, what is its substitute in the United States, how much it costs to produce that, what the difference is, and what is a reasonable margin to protect our home market.

Reliable and ready information like that furnished when the next revision is made will enable us to vote intelligently in fixing a duty on quebracho and all other articles.

I am in favor of a tariff commission, and we ought to pass the bill now before the Senate; take this bill and put it through here to-night.

Mr. GALLINGER. Let us pass the Lorimer resolution first.

Mr. CRAWFORD. Put them both through if you want to and if you have the votes. I do not know whether you have the votes. I will not vote for your Lorimer resolution, but let us put the tariff commission through. I am satisfied the American people want it.

Some try to make out that the result of the last election was a Democratic victory. I do not believe that, because it was simply due to the dissatisfaction of Republicans over the tariff; yet they believe in protecting our home market. I want to see the tariff-commission bill go through. It will make our party stronger than ever. It will put us on a sounder basis than we have ever been upon before. I wish the Senator from Indiana, instead of chasing after this will o' the wisp, Canadian reciprocity, would remain true and steadfast to his first love and stand by the tariff-commission proposition.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I want to relieve the anxiety of my friend from South Dakota. My being in favor of Canadian reciprocity did not make me abate one iota of the passion I have for the tariff commission, to which I am willing to give all my strength and every effort I can. I should like to see it passed this morning, and would fight to do so.

RECIPROCITY.

Mr. CRAWFORD. Mr. President, I take no stock in this sort of false god they are putting up here for us to worship, called reciprocity, when it is not reciprocity. I think that it is really the worst and most one-sided and unfair proposition that has ever been presented to our people. I will tell you why.

The American farmer is not yet an extinct specimen of the human race. The American farmer is a positive force in the life of this Nation. Every farm home in the woodlands or on the prairies is a recruiting station that is furnishing blood and strength and sinew for all the walks of life and maintaining that stability which is absolutely necessary to keep alive the civilization that we enjoy.

The American farmer raises wheat out in the Northwest. They say that the tariff on wheat does not amount to anything, because we export wheat. It amounts to something in that zone along the border, greater or less in area; it amounts to a great deal there and always has; and we are just approaching a period when it will amount to something all over the United States; and then here comes a proposition to do what? Put it on the free list. For what purpose, pray tell me? They say to make bread cheaper. They keep the tariff on flour, and bread is made out of flour. They take the tariff off of wheat. Who is that going to help? It will not make your loaf of bread a particle cheaper, but it will help the millers over in Minneapolis, in Buffalo, and in the cities along the border, because they will get wheat from Ontario and Winnipeg and Assiniboine and Saskatchewan and British Columbia, and Mr. Hill, with his Great Northern Railroad, will haul it and get the profit out of hauling it, and the millers will grind it. But the Canadian flour can not get in at all. That is a one-sided affair; that is not in the interest of cheaper living at all; it is in the interest of your Millers' Trust and in the interest of your railroads.

Look at this reciprocity schedule, and you will find that biscuits and crackers, sweetened and unsweetened, are on the protected list—articles that are made out of this flour, are secondary products or third-stage products, or whatever they may be. They are on the protected list. The things that your hungry people, your poor people, must buy in these congested centers that are protesting against the high cost of living are put on the protected list. The tariff remains upon their biscuits and their crackers, and yet it is taken off the wheat for the millers. That is not fair.

Take breakfast foods—oatmeal, Cornflakes, Force, Grape Nuts—if there is a monopoly in the United States, it is the monopoly which has control over those breakfast foods which are sold in packages. The manufacture of them is controlled, and a trust dictates the price to the retailer, below which he does not dare to sell, for if he does they take the trade in them away from him.

That is the poor man's food—those breakfast foods—oatmeal and Cornflakes and Force and Grape Nuts. It is the poor man's breakfast, and yet it is left on the protected list, while wheat is put on the free list. Can anyone explain to me why any such a one-sided bill was negotiated; why these people who make Cornflakes and oatmeal and Force and Grape Nuts that the poor man has on his breakfast table should be protected while the wheat and oats that are turned into the flour out of which these articles are manufactured is to come in from Canada free and go into competition with the American farmer? I will not stand for a one-sided bill like that.

There is no justification for it. It can not be successfully defended. It is unfair. Oh, but they say, and no one says it better, more eloquently, than my friend from Indiana [Mr. BEVERIDGE], "We must look at it in a larger relation; we must look at it as the great cementing influence between two nations that speak the same language and as opening up a field for the enlargement of our trade." That is fine talk to indulge in when you are trying to make the American farmer think you have not swindled him, but it is an argument that is never made when they are raising the tariff upon the articles of the manufacturer. They do not indulge in these fine sentiments about extending American trade.

I think it is an absolutely unfair, one-sided proposition, and it is not going to promote this extension of trade and good feel-

ing between our Canadian brethren on the north to make the American farmer absolutely resentful in his heart against a proposal like this.

The other day I had a letter from an old farmer up in my State. In fact, Mr. President, since this so-called reciprocity trade compact has been negotiated I have received letters from a class of my constituents that I never had heard from before. They have not been in the habit of writing letters to Congressmen and Senators. They are not politicians. They do not care who is postmaster or register and receiver of a land office. They are not interested in that. During all the time we were framing up the Payne tariff law these men sent no letters here, but I tell you, Mr. President, that when this Canadian trade pact was put through these men began to write letters. One sturdy old farmer in one of the northern counties in my State wrote me and said, "Who got up this trade pact? Was it an immigration society out in western Canada?"

It seems to me it must have been, because there is one thing dead sure. It will promote emigration into western Canada. It will increase the price of lands in western Canada and it will depress the value of my land and the lands of these pioneers out on the South Dakota prairies, and I do not think it is fair to the men who have opened up this Commonwealth and toiled and sacrificed and made it a success to now depress their values and establish an immigration bureau for western Canada.

Oh, the Senator from South Carolina [Mr. SMITH] made a most stanch and patriotic defense of our great Republican President the other day by saying this was the finest act he ever did. I admire the President and am very fond of him, and I think this is the only real mistake he has made. It is not fair. You let the cattle come in from all over this north country, trooping down across the lines free, and yet these packing products of all kinds are on your protected list. That is not fair. Who gets the benefit of it? The Packers' Trust, the Meat Trust, the Millers' Trust, the Breakfast-food Trust, the Lumber Trust, and the railroads, and the farmer gets the worst of it. The consumer receives no benefit from it. That is my opinion of this trade compact with Canada.

Talk about lumber. We would like to have free lumber in South Dakota. What does this give us? It puts rough boards on the free list. Who buys rough boards? The farmers do not buy them. They buy finished lumber. They buy lumber planed not simply on one side, but on both sides, and grooved, and scantlings and studdings. They are planed or finished. They do not buy rough boards. Who will use rough boards? If any one will use them it will be the mills on this side of the line. They will get the rough boards across the line and finish them. Then the Lumber Trust will sell them to our farmers. Who gets the benefit of this kind of free lumber? It is a fake! The American farmer will not get any benefit, and I do not believe in it. It is a one-sided arrangement. It is not fair or just to the American farmer and it will bring no relief to the man who is complaining about the high cost of living. It may aid the trusts who want to extend their trade and commerce.

They do not even put agricultural implements on the free list. I have offered an amendment, in which I have proposed to put everything that comes in from Canada that is mentioned in the trade compact on the free list. Will you Democrats vote for that? That is fair. If we are going to put the farmers' products on the free list, Canada is not going to complain if we put all the other articles named in the pact that come in from Canada on the free list. Let them send in plows and harrows and agricultural implements from Canada free.

Mr. SMITH of South Carolina. Did not Canada complain?

Mr. CRAWFORD. I do not understand so. Is it not fair to let these things come in here free? Why not have full reciprocity with Canada? I am inclined to think that would be a good thing. At any rate it is wholly unjustifiable to give us this one-sided, unjust pact, in which our farmers are subjected to competition from the farmers in Ontario, and Saskatchewan, and Winnipeg, and Manitoba, and Alberta.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. CRAWFORD. Yes.

Mr. SMITH of South Carolina. I am sure the Senator from South Dakota wants to be fair, and I have been informed by pretty good authority that those who formed this compact wanted to put all the secondary articles, such as meat and flour, and so forth, on the free list—the manufactured as well as the raw material—and Canada balked at it. Now, he says he thinks it would be a pretty good thing to have them all on the free list. I think our commissioners offered to put them on the free list and Canada balked.

Mr. CRAWFORD. I do not think Canada objected to having the United States Government remove the tariff on products coming in from Canada to us, but she would not abate the tariff upon articles going from the United States into Canada. We do not ask that. Let us take it off on this side of the line.

You certainly can do that here. If it results, under the favored-nation clause, in having these agricultural implements come in free from all nations, will the Senator from South Carolina complain?

Mr. SMITH of South Carolina. No.

Mr. CRAWFORD. No; certainly not. But if they are going to discriminate against the American farmer and make him go into the protected market to buy his plows, his harrows, his hay rakes, his reapers, and his mowing machines, and everything of the manufactured kind that he has to buy and put everying that he raises and puts on the market on the free list, I will advocate putting these imports from Canada which the farmer uses on the free list.

Mr. GALLINGER. I take the liberty of inquiring of the Senator how much longer he thinks it will take him to complete this interesting speech, which in the beginning he thought he could deliver in 15 minutes?

Mr. CRAWFORD. What time does the Senator from New Hampshire usually get his breakfast?

Mr. GALLINGER. I am thinking of it now.

Mr. CRAWFORD. This early?

Mr. GALLINGER. Yes.

Mr. CRAWFORD. It is pretty early for breakfast.

Mr. BAILEY. I suggest to the Senator from South Dakota that there is a special order for to-day immediately after the Journal is read.

Mr. GALLINGER. That is right.

Mr. BAILEY. If the Senate should continue in session it would not be possible to execute that special order. I do not myself desire that that shall be interfered with, and if the Senator from South Dakota has no objection, I will move that the Senate adjourn.

Mr. CRAWFORD. When am I going to have an opportunity to conclude my remarks?

Mr. BAILEY. If the Senator wants to conclude them, I certainly shall not make a motion to adjourn.

Mr. BEVERIDGE. The Senator would have that opportunity after we vote on the special order if he got the floor.

Mr. BAILEY. If he wants to go on——

Mr. BULKELEY. Let him go on.

Mr. BAILEY. I withdraw the motion, and the Senate will stay here after 12 o'clock.

Mr. CRAWFORD. Until after 12 o'clock?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I do not understand what negotiations are going on. I have been confined to the floor.

Mr. KEAN. Regular order!

Mr. CRAWFORD. But I want to——

Mr. BULKELEY. Regular order!

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I will yield.

Mr. BAILEY. I insist that the Senator shall complete his address now.

Mr. CRAWFORD. All right.

Mr. President, in reference to barley. Here is barley malt made over in Canada, brought into this country with a duty of 45 cents on every hundred pounds. Barley malt is protected but the barley of the farmers in North and South Dakota and Minnesota and Wisconsin is put on the free list. Can anybody tell me why? Why not bring the barley malt in free?

Oh, they say that it is not fair; that we are asking protection in the Dakotas against New York. Well, have we not a right to something out of this protection business? If we have not, let us do away with it. Here are these hardy pioneers, who went out among the blizzards, upon those prairies, and struggled with bunch grass, breaking up the tough sod, living in sod houses, and plowing up a few acres each year and planting out their little crop of flax and taxing themselves to build schoolhouses and pay teachers' salaries and educate their children in the country schools, and I have seen them during the last 30 years in the Dakotas build magnificent States; they have done it and they have done it in the States all around us.

One of our most important crops in North Dakota and in a large number of counties in South Dakota is barley. We raise

it. The Minneapolis brewers buy it. The Milwaukee brewers buy it. The Buffalo brewers have to buy it because there is a tariff upon the barley that comes in from the other side of the Niagara River, and they have to buy our barley. They tried two years ago to have the tariff taken off of it so that they could buy their barley from Ontario farmers. They did not succeed.

Now, they want this 30 cents a bushel taken off, and then your brewers and maltsters in Buffalo and in Rochester and in the other cities of western New York will buy their barley from the farmers in Canada because they are nearer the barley fields of Ontario, and they will not buy the barley from Dakota farmers.

They have a right to continue in the business and not be subjected to this competition just as much as these factories, these paper mills, these woolen mills, these cotton mills. All the manufacturers on this side of the line are claiming protection for the purpose of paying better wages, and all that sort of thing, and they are going to have it. Now, they take the tariff off from barley to help these brewers, and they leave it on barley malt because they do not want that product to come from Canada over here to compete with them. So you have your brewer trust, your lumber trust, your packers' trust, your breakfast-food trust, your millers' trust, and your railroad interest that wants to haul these cereals. You have got them all into a combination here to do what? To enrich themselves at the expense of the American farmer and give the benefit to them, but not to reduce the prices one single penny to the American farmer on the things which he must buy.

I say I have here letters from my constituents, men who have not been in the habit of writing upon this subject before. Here is one from Mr. G. B. Walters, a farmer at Selby, S. Dak.

He goes on to say that he wonders if an immigration bureau in western Canada did not propose this trade agreement.

Another letter is from W. R. Eastman, of Chamberlain, in my State, who says:

I am opposed to the Canadian reciprocity treaty. It does not deal fairly by all classes.

Here is another from a farmer in my State, Mr. H. P. Walsh, of Sioux Falls, S. Dak., who says:

In regard to the treaty with Canada I think it is very bad for the farmers. In Mr. Hill's speech in Chicago he says that the treaty with Canada would not and could not affect the price of wheat, as we have to compete with the markets of the world. Mr. Hill—does he forget the speeches that he has been making for the last two years, where he says that the farmers of the Northwest would have to improve their method of farming, or they would not be able to feed the people of the United States at the rate they are increasing? In other words, just at the moment that the farmers of the United States could derive some benefit from the existing tariff Mr. Taft would have it removed. This would be an insult to the farmers; still, would make Mr. Hill millions could the tariff be removed by hauling Canadian wheat into Minneapolis.

Now, that is a good honest farmer who is living next to the soil, who has opened up his farm and is raising crops upon it. Men like that are entitled to consideration when we are proposing, at the suggestion of Mr. Hill, to take the tariff off of his product and put him in competition with the farmers of Canada.

Here is another. This is from Hamburg, S. Dak., February 9, addressed to me:

Allow us to make this statement in regard to proposed reciprocity: Seemingly we all like to be protected, though only our own production. The other party's industry may see how it comes along. High living prices without doubt point to speculative manipulation in farm products, as far as they are concerned. Our wheat and barley products, which are marketed two-thirds to three-fourths in September to November around 50 cents and 70 cents, later in the season when on the other side of the mill and big elevator, get well up, but have passed the producer. Beef sold in cities averaging twelve and fifteen is sold by the producer here at two and a half and three and a half. Pork is up until we have a new supply. Butter and eggs product down one-half. Reason evident. While labor, tax, mode of production, supplies keep fairly pace with principle of protection, though for the sake of that principle we are asked to let our protection drop.

Now, is there anything in the line of tariff protection from the soft warm wool to the hard cold steel that the farmer, living as he does in this latitude, could get along without and so shirk his end of the burden?

And now only one season with only local drought has swept these States, and another more general, and where is our imaginary prosperity? To reason, luxury and exaggerated high fly are poor signs of prosperity. Deterioration by either crop failure or legislation for this country spells exodus, impetus to the city and to Canada.

Yours, truly, JOHN MOES.

That is a good substantial farmer, a Scandinavian, a respected citizen in my State.

Here is another, a friend of mine, an actual farmer, Mr. Edward F. Beganelka. He says:

I come to you in an humble way and ask you to try and put your power against the reciprocity treaty between the United States and Canada, for it would fail to do any good to the farmers of the Northwest.

That is all about that. The rest of the letter is about something else.

Here is another from Mr. N. H. Kent, a farmer in my State, who says to me:

How do you like the President's position on Canadian reciprocity bill? He thinks all cereals should be admitted free of duty, but holds that manufactures should have duty about as high as they now enjoy. I suppose he is influenced somewhat, because his own State is more interested in manufactories than it is in agriculture. If it is good to help the Canadian farmer by admitting his wheat and other products free of duty, why not give their manufacturers the same good?

The motive back of the whole thing is the interest of our manufacturers. They want cheaper food for their labor and conclude the way to get it is to admit Canada's agricultural products free. It is shown by a careful investigation of the cost of production that the average price of wheat is not equal to the cost of producing it.

Now, on this showing is it right or just to force the American farmer to a lower price? Again, see what an impetus the additional price would be to the Canadians. Their wheat lands are very much cheaper than ours are. Hence the very material difference in the cost of production to them. There may come a time in the distant future when the difference in the cost of production will not be so great as now. It will then be soon enough to come to their rescue by lowering the duties on their cereals.

This notion of sympathy—

Will the Senator from Indiana take notice of this? It is a farmer writing this letter—

This notion of sympathy that the manufacturers are trying to work up as between the two countries is all nonsense.

This is a plain substantial honest tiller of the soil, who has opened up his home and is living upon his farm and raising products, and he says it is nonsense.

These farmers of the Northwest who are writing in their simple, honest, homely fashion here protesting against this trade compact, which means so much to them, have a right to be heard; and in their way they can state it as effectively and as eloquently as it can possibly be presented, and I am going to give them a hearing. This old friend of mine says:

This notion of sympathy that the manufacturers are trying to make up as between the two countries is all nonsense. We have our own interests to care for just as Canada has, and let us see that they are cared for. We have succeeded as a Nation by keeping up our own interests and letting other people do the same. Why not continue in the good work? The farmers are not ready to take the duty off their products yet.

Why should they not be permited to choose the time of the removal of the duty and not permit the manufacturers to choose for them? Treat all interests alike.

Yours, N. H. KENT.

Mr. President, I shall have something further to say upon the subject of reciprocity and in behalf of these farmers, and in connection with this resolution possibly, but I understand that the Senator from Kansas [Mr. BRISTOW] desires to be heard, and as the Senate has patiently indulged me for several hours I will yield the floor to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I have refrained from any extensive discussion of this case because it has been very elaborately and ably discussed; but it seems that further discussion has become necessary.

I was very much interested in the address of the junior Senator from South Dakota [Mr. CRAWFORD], but I noticed that there were some of the witnesses upon whose testimony he did not elaborately comment. That being the case, I feel that since I am to discuss it I possibly should take up the part of the evidence which it seems to me he has not dealt with as extensively as he might.

I will begin with commenting upon the testimony of Mr. White, and in order that the Senate may understand the full nature of it I shall read extracts from it and comment on the extracts. White has been depicted here as a very bad man. The character of White seems to be one subject in this controversy upon which there is no difference of opinion. He has not found any defender, and all have universally condemned him. His defense has been lacking; his evidence has been questioned and declared worthless by some Senators who have discussed the subject; others have pronounced it as strong and conclusive, because of the corroborating evidence which supports it. Since he was the leading witness, it seems to me White's testimony should be incorporated, or at least a large part of it should be incorporated, in the record. Mr. Austrian seemed to be an attorney who represented the Chicago Tribune, and was a very important factor in this case; indeed, I think more important than he should have been. Without desiring in any way to criticize any members of the committee, I would differ with them somewhat as to the methods of investigation that I should have favored had I been a member of the committee. I would not presume to say that the methods which I would have suggested or endeavored to have followed would have been better, but they would have been more in harmony with my judgment; and since I am to discuss the case I feel that the Senate ought to have the benefit of my judgment, of little value as it may be.

Instead of Mr. Austrian having charge practically of this investigation, it seems to me that the committee should have

utilized him to the best advantage that they could and taken a more aggressive part in seeking the evidence themselves. It seems to me that instead of depending upon the attorney for the Chicago Tribune, who was one of the agencies in securing information here, as much as they did, it would have contributed more to the satisfactory investigation of the case if the committee had itself followed up all of the leads, had taken charge of Mr. Austrian and directed him more, and left him to direct the committee less as to the character of the investigation.

Mr. White was sworn, and the first question put to him was this:

Q. Mr. White, will you state to the committee your name, age, residence, and occupation?—A. My name is Charles A. White; my residence O'Fallon, Ill.; my age is 29 years.

That was the first interesting thing to me that I observed in this testimony; that this man White, who has created such a furor in the politics of Illinois and of the Nation, should have been so young a man—but 29 years old. I expected from what I had heard of White before I had read the testimony that he was a man of mature years, but it seems he was young. That may account to some extent for his character. He came into this whirlpool of political corruption which seems to infest the Illinois Legislature at somewhat tender years, and as a result to have imbibed all the vices with which he came in contact, and he seems to have retained none of the virtues that he certainly must have had in his youth. So he starts out on this political career, which has been somewhat spectacular and not altogether commendable, at the age of 29.

Q. What is your business?—A. I am not occupied at anything at the present time.
Q. Are you a member of the Forty-sixth General Assembly of the State of Illinois?—A. Yes, sir.
Q. When were you elected?—A. November 3, 1908.
Q. Prior to your election what was your business?—A. I was conductor on the street railway—interurban railway.
Senator BURROWS. Speak a little louder, please.

That is another thing that attracted my attention. I would like if some member of the committee, if he can, would give me some information in regard to that feature of this testimony. Senators who have read it will observe that on almost every page of the testimony of every witness Senator BURROWS, or some other Senator who was on this committee, continually called upon the witness to speak louder.

Why was it, let me inquire of some member of the subcommittee—and I see that I am honored with the presence of one of them to-night—why was it that the committee had to continually urge the witness to speak louder?

Mr. BULKELEY. Their voices seemed to be lacking; that is all.

Mr. BRISTOW. That was a very interesting feature of this investigation, and I observe it was true all the way through. I wondered if it was the qualities of the voices of these witnesses or whether it was the acoustic properties of the building in which the investigation was held.

Mr. BULKELEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. BRISTOW. Certainly.

Mr. BULKELEY. The Senator asks a question, and I will say to him that it was a very general habit of the witnesses that were questioned in the first place by the attorney to whom the Senator refers to address their remarks to the questioner rather than to the committee, and consequently they were often reminded by the chairman of the committee that it was desirable that they should speak a little louder, so that the committee could hear as well as the attorney.

Mr. BRISTOW. Of course, I can realize that it is quite important that the committee should hear the witnesses. I thought possibly that the habit that these men—not all of them—the witnesses against Mr. LORIMER and for Mr. LORIMER, were afflicted with the same undertone in their testimony——

Mr. BULKELEY. I do not think there was any witness for Mr. LORIMER introduced at all. I think they were all introduced, if I remember correctly, by Mr. Austrian.

Mr. BRISTOW. Yes; that may be true; but, in fact, there were a number of witnesses who were very decidedly for Mr. LORIMER in their testimony.

Mr. BULKELEY. Yes; the testimony might have been in his favor; that is very true.

Mr. BRISTOW. Their bent and tone and the character and nature of the testimony was such that it was clearly manifest that they were really Lorimer witnesses, although they may have been called by the Chicago Tribune's attorney.

Mr. BULKELEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas further yield?

Mr. BRISTOW. Oh, certainly.

Mr. BULKELEY. I would like to state, in connection with the first remarks of the Senator rather criticizing the committee for the course of their investigation and allowing this attorney to take so active a part in it, that this matter was called to the attention of the Senate by a memorial from the Voters' League, and, as I recollect, almost the first request before the committee was a request from the representatives of the Voters' League, who stated that they had no attorney, for the committee to allow Mr. Austrian to represent them. That is the way he happened to be conducting the investigation.

Mr. BRISTOW. I am very much obliged to the Senator, and am glad to have the information.

Mr. BULKELEY. I think the Senator will find that to be true if he will read the report of the committee in the early part of it.

Mr. BRISTOW. Yes; I have read it.

Mr. BULKELEY. But the Senator neglected to state that, and rather represented that the committee did it.

Mr. BRISTOW. The beginning of this investigation, as I remember, was a statement of a gentleman by the name of Barnes, who, I think, through the senior Senator from Illinois [Mr. CULLOM], filed in this Senate a very voluminous document. That was the origin of this investigation, and that is incorporated in the report, with some very extensive addresses from the attorneys as to what scope the investigation should take.

Mr. BULKELEY. I think the Senator will find, also, in the early part of the report a request of this same representative of the Voters' League that this attorney should be allowed to represent them as the original suggestor of this investigation.

Mr. BRISTOW. That is true. I remember that very distinctly.

Now, to get back to the matter of the frequent requests of the committee to witnesses to speak louder, I thought it possible that the habits of their lives had been such as caused them to speak in undertones. All of the conversations seemed to be in a low tone of voice, and that of itself is suspicious. From the very beginning of this volume there are suspicions that grow on a man's mind. The fact that the witnesses speak so low and indistinctly that they can not be heard and have to be continually urged to talk louder is significant.

Senator BURROWS. Speak a little louder, please.
A. Yes, sir.
Q. Whereabouts?—A. At East St. Louis, Ill.; I was with the company that operated at East St. Louis.
Q. Any other occupation immediately prior to your election to the forty-sixth general assembly?—A. No, sir.
Q. Were you ever employed by the labor bodies to be at Springfield, Ill.?—A. Yes, sir.
Q. Springfield is the place in Illinois where the legislature meets, is it not?—A. Yes, sir.
Q. What time did you spend in Springfield, Ill., and doing what?—A. I was there during the session of 1907; I was State legislative representative of the Street Electric Railway Employees of Illinois.
Q. After you had been elected, you were elected as a member of the house, were you not?—A. Yes, sir.
Q. There being two bodies, the house and the senate?—A. The house and the senate; yes.
Q. State to the committee how many members there are in the houses—how many in the senate.—A. One hundred and fifty-three members of the house and 51 in the senate.
Q. After you were elected as a member of the house, did you become acquainted with Lee O'Neil Browne?—A. Yes, sir.

If I remember aright, this is the first place that the name of Lee O'Neil Browne appears in the record, and since I will be required to discuss the record at some length it seems to me that it is necessary to explain just who Lee O'Neil Browne is, and to understand the relations between White and Lee O'Neil Browne. I will read on a little through the record, and it will probably disclose the matter more clearly than I could explain it:

Q. Who was Lee O'Neil Browne?—A. He was the minority leader in the forty-sixth general assembly of the house.

And since the Legislature of Illinois is Republican, Mr. Lee O'Neil Browne was the Democratic leader.

Q. On what side?—A. The Democratic side.
Q. Were you a Republican or a Democrat?—A. Democrat.
Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election and notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.
Q. That was on or about the 7th of November, was it not, 1908?

That was a natural thing, was it not? Here was a Democratic member elect, and the first communication that he had with Lee O'Neil Browne was one conveying congratulations. That is not unusual. Senators here will remember, possibly from experience, that when there is a candidate nominated or elected in the legislative districts, the first communication that they receive from aspirants for legislative honors is a message of congratulation. The purpose of that, I infer, is to put the new member in pleasant and cordial relation by the letter.

If Mr. White was as bright a man as he ought to have been and as he must have been, he should have known when he received the first letter of congratulation that there was something else coming after it, and he should have been put on his guard in regard to Mr. Browne. If he had, it might have saved him a great deal of trouble and the United States Senate a great deal of time.

Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election.

Do you not think that that is a truthful statement? Do you not believe him when he says the first letter he received from Browne was a letter of congratulation, and the next:

And notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.

Congratulations, and then he noticed that Browne was a candidate for minority leader. I believe that is the truth.

Q. That was on or about the 7th of November, was it not, 1908?—A. Yes, sir; if I remember correctly.

Q. When did the house convene in 1909? The forty-sixth general assembly, as you recall it?—A. On January 6.

Q. (Showing witness paper.) Will you look at the letter which I now hand you and tell me if that is the communication that you refer to?—A. This is one of them; yes, sir. I would not be positive about it being the first; I think it is though.

Mr. AUSTRIAN (handing letter to Judge Hanecy). I will show you these two at the same time.

Judge HANECY. What is this, anything except to show——

Mr. AUSTRIAN. To show his efforts to get his support for minority leader.

Judge HANECY. Nothing special in it.

Mr. AUSTRIAN. That is the same thing.

Judge HANECY. How are those material?

Mr. AUSTRIAN. It would show the relation of the parties.

Judge HANECY. Mr. Browne is not a party here.

Mr. AUSTRIAN. When I said the relation of the parties I referred to the relations of Mr. Browne, the man charged with having bribed this member of the legislature. I want to show the relations of the two members of the house, one a Democratic minority leader and the other a member of the house.

That was a very proper thing to show in the beginning.

Judge HANECY. They are both members of the house.

Mr. AUSTRIAN. We know that.

Judge HANECY. I didn't know, the way you stated it.

Mr. AUSTRIAN. One a Democratic minority leader and the other a member of the house.

Judge HANECY. I do not know what materiality there is in this, Mr. Chairman and gentlemen.

Mr. AUSTRIAN. Simply to show the relations of the parties; that is all.

Now, of course, I am not competent to criticize these attorneys, but it seems to me that these two lawyers took up a good deal of space here and did not give much information. I have been reading this five minutes or more, narrating the efforts that these two distinguished lawyers were making to ascertain whether or not these two men were members of the Illinois Legislature, and all the way through this testimony you will observe that, day after day, these men put in a great deal of superfluous talk in their efforts to establish what everybody knew. That may be the legal method; it may be necessary to do that in order to conform to the legal requirements. But it seems to me the committee ought to have cut out that—to use a familiar phrase—to have required them to talk less at random and more to the point. Indeed, that is a suggestion which possibly the Senate itself might profit somewhat by and possibly will in the years to come.

Continue the testimony:

Mr. AUSTRIAN. Simply to show the relations of the parties, that is all.

Senator BURROWS. Between whom?

Mr. AUSTRIAN. Between Mr. Browne and Mr. White. The Senate Committee on Privileges and Elections have held that it is perfectly competent, that you can even show bribery in the caucus.

Judge HANECY. That is not the question I am raising. When you get to the bribery, that is another question. This is a lot of stuff which, I assume, does not show that nor tend to.

Mr. AUSTRIAN. It tends to show that this man was the minority leader, and the witness in the chair became one of his supporters at that time.

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

I should like to know what was the use of that question. That is another one of those superfluous and useless questions that are injected in here which elicits no information.

Mr. BULKELEY. What was the question?

Mr. BRISTOW. I will read it again:

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

Mr. BULKELEY. There was no question about that.

Mr. BRISTOW. No. I think that was merely a suggestion.

Mr. BULKELEY. That is all.

Mr. BRISTOW. I guess that is right.

Mr. AUSTRIAN. They simply show the solicitation of the witness, White, to support him in his minority leadership candidacy.

Now, you know we have been going through a page, and this is the conclusion of all this stuff, which was clearly manifest in the very first answer of White, that he received these letters. One was a congratulation, followed by solicitation for his support.

Senator BURROWS. Mr. Austrian, the witness has already stated that Mr. Browne was the minority leader. These communications shed no additional light on it.

I think that is a very just rebuke of these lawyers who indulged in a great deal of superfluous talk, and I want to congratulate the committee, because in the reading of this testimony I may not have a great many occasions to congratulate them, and I want to do so when opportunity affords, and I want to commend the chairman of the committee for his efforts to suppress as much of this superfluous conversation as he possibly could.

Mr. AUSTRIAN. I will let the witness state the fact in lieu of the letters if you desire, but counsel may object because it is expressed in the letters.

Judge HANECY. I will admit that Mr. White did not know Mr. Browne, and that Mr. Browne did not know Mr. White, until they were elected to that session of the legislature.

If I remember rightly, he made an admission there that was not justified, for this evidence as it is followed up as I remember does show that they were acquainted, that they had met in the former legislature when White was there as a representative of the labor organization. So that Mr. Hanecy in this case admitted something that was not correct.

Q. Were you solicited by Mr. Browne to support him for minority leader of the house as early as November, 1908?—A. I think I was; yes, sir.

We knew that at the beginning.

Q. Did you have frequent or a number of meetings with Mr. Browne, together with other Democratic members of the house, looking to his election as minority leader?—A. Yes, sir.

Q. In or about the month of January, 1909?—A. Yes, sir.

Q. Were you one of his supporters in that election?—A. Yes, sir.

Q. Or candidacy?—A. Yes, sir.

I can not understand the use of that question, either.

Q. Did you at any time have any talk with Lee O'Neil Browne, the same Browne I heretofore referred to, with reference to voting for WILLIAM LORIMER for the United States Senator?—A. Yes, sir.

Q. When did you have the first talk?—A. On the night of May 24, 1909.

Senator BURROWS. Witness, it is utterly impossible to hear anything you say.

There it is again.

The WITNESS. On the night of May 24, 1909.

Q. Whereabouts?—A. In his room in the St. Nicholas Hotel, Springfield, Ill.

Q. Had you been at Springfield and had Mr. Browne been at Springfield since the opening of that session the greater portion of the time?—A. Yes, sir; on legislative days.

Q. During the days they voted for United States Senator?—A. Yes, sir.

Q. Who was the Democratic candidate for United States Senator?—A. Lawrence B. Stringer.

Q. Prior to your talk with Browne had you or Browne voted for a Republican for United States Senator?—A. I had not; no, sir.

Q. Had Browne, so far as you know?—A. Not to my knowledge.

Q. You say you had a talk with Mr. Browne on the night of the 25th of May?—A. On the night of the 24th of May.

Q. Where and at what time?—A. Well, I couldn't state exactly the time when——

Q. (interrupting). Approximately, in the evening, or night, or in the morning?—A. It was in the night, possibly between 10 and 2; I couldn't state exactly what time.

Q. Between your first acquaintance with Mr. Browne, in November or December, 1908, and this May 24, 1909, had you become well acquainted with Mr. Browne?—A. Yes, sir.

Q. Had you seen him both in and out of the House a great deal?—A. Yes, sir.

Q. Will you tell the committee, if you please, what conversation you had with Mr. Browne on this night of May 24, 1909?—A. Mr. Browne asked me if I could vote for a Republican, and I told him that I could. He asked me if I could vote for Mr. LORIMER, and I told him that I could. He told me that was strictly "under my hat;" to say nothing to anyone about it. I told him all right; I would keep it quiet. I asked Mr. Browne if certain other members were going to vote for him, and he said some would and some would not. Mr. Browne told me he wanted me to keep it strictly "under my hat." He said it would not be any chicken feed, either. That is about the substance of the conversation that night; that is about the substance of the conversation. There might have been something more he said.

That to my mind has evidences of truth in it, because it is the natural form of expression which men of the habits and life of White would use—"keep it under his hat." That is the language of men of his character, and that it would not be chicken feed—that is, would not be any small stuff.

Q. The general assembly had been voting in joint sessions for United States Senator since January 19 or 20, 1909, hadn't they?—A. Yes, sir.

Q. When you asked him whether or not certain Democrat members were going to vote for LORIMER, did you call off the names of the members of the house, or some of the names of the members of the house?—A. I did.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

I have often wondered, in reading and thinking about this testimony, if the Tibbitt faction was as rotten as the Browne faction, and how many of the votes of the Tibbitt faction did Mr. LORIMER secure? Were any of these alleged bribe votes members of the Tibbitt faction? As I remember, there is no evidence which shows that any financial dealings were had with Tibbitt. But it seems that Browne gathered under his wing the corrupt element of the Democratic side of the legislature, and—possibly I may be mistaken in this—these men who rather revolted against such a leadership as Browne's were attached to the other faction.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

Q. They were both Democratic factions?—A. Yes, sir.

Q. You called off the names of some members and to some he answered "Yes" and to others "No?"—A. Yes, sir.

Q. Did you have any subsequent talk with him, prior to the time of the election of Mr. LORIMER, on the 26th?—A. I had a talk with him on the afternoon of May 25.

Q. Mr. LORIMER was elected May 26?—A. Yes, sir.

Q. What talk did you have with Mr. Browne on May 25, 1909?—A. I went to his room and asked him—he requested me to come to his room before I went there, and I had sent word—I didn't send word, I spoke to Mr. Giblin, his stenographer, and asked Mr. Giblin what there was in it, and he told me it looked pretty good to him, and he went to Mr. Browne——

Judge HANECY. I object to the conversation with somebody else in relation to this.

Mr. AUSTRIAN. This is not important, this particular conversation. I will withdraw it.

Now, I should like to know what good it does to withdraw it when you still leave it in the book. If all of this testimony that was decided to be useless and which permission was asked to withdraw had been withdrawn, our labors would have been greatly reduced, because the volume would not have been more than two-thirds as large as it is.

So, when he asked to withdraw it, it seems to me that he ought to have done as we do here in the CONGRESSIONAL RECORD—cut it out. But here it is, withdrawn, but not withdrawn, and the reading of this testimony and the studying of it gives one somewhat an insight into the trial of cases. A lawyer will ask a question, which is an improper question. The question attracts the minds of the jury to an idea. The opposing attorney objects, and it is immediately withdrawn. Through the laborious trial the minds of the jurors become somewhat confused, so that they do not discriminate between that which they have heard and that which they have been told not to believe, which is withdrawn, and that which they have heard they are expected to credit:

Judge HANECY. I ask that it be stricken from the record.

Senator BURROWS. It will go out of the record—what Mr. Giblin said.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

The Senator said it would be cut out of the record, but it was not. It seems to me that this record ought to have been edited. For several minutes I have been reading a lot of stuff here that the chairman of the committee ordered cut out. It was not cut out. It is here. If I may be permitted, I will say that I think a great deal that was ordered cut out was material which ought not to have been cut out; so probably it is better for the illumination of the transactions that occurred at Springfield that this record was left as complete as it is, although it seems to have been contrary to the wishes and purposes of the chairman of the committee in many instances.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

Q. Where?—A. In his room.

Q. On May 25?—A. Yes, sir.

Q. This was the second talk on this subject you had with them?—A. Yes, sir.

Q. Mr. White, did you vote for Mr. LORIMER on May 25?

Senator BURROWS. Where was his room?—A. At the St. Nicholas Hotel in Springfield.

Q. The conversation was in the St. Nicholas Hotel at Springfield, was it not?—A. Yes, sir.

Q. In Mr. Browne's room?—A. Yes, sir.

Q. Mr. White, when did you first vote for Mr. LORIMER for United States Senator?—A. May 26, 1909.

Q. Was that the only time you ever did vote for Mr. LORIMER?—A. Yes, sir.

Q. And that was the time that Mr. LORIMER received 108 votes, was it not?—A. Yes, sir.

Q. And was declared elected to the United States Senate? [No answer.]

Q. This talk with Mr. Browne on May 25, 1909—will you kindly detail to the committee what that talk was?—A. I asked Mr. Browne what I was to receive for voting for Mr. LORIMER; how much I was to get, and he replied by saying, "You are not afraid to trust that to me, are you, old boy?" I told him that I was not afraid to trust it to him, but I would like to know. He says, "You will get $1,000 and it is ready cash, too." He implored me to keep it quiet. He told me he was damned suspicious (I use his exact language) of a little place above called "Joliet."

Now I wonder what that was. That is one thing I could not understand in this testimony. What was the little place above called Joliet? I know there is a city in Illinois named Joliet; but how could Browne be suspicious of Joliet when he was at Springfield?

Mr. BULKELEY. The State penitentiary is there. That is the reason.

Mr. BRISTOW. Oh, I do not blame Browne. I see now; he had that in mind. That is right. That is a good suggestion. It shows that these visions concerning which the Senator from South Dakota [Mr. CRAWFORD] has been talking to us to-night were pursuing Mr. Browne even then when the negotiations were in progress. He wanted this kept under the hat. He was suspicious of "a little place above called Joliet." He did not want this information to get out, because it might land him in the penitentiary at Joliet. I see now. I am very much obliged to the Senator for the explanation.

I told him I would keep it quiet.

Now, that is one promise he kept for awhile, but he afterwards violated it.

He asked me to talk to no one about it. Then I asked him how much we were to get from the other source, and he says, "You will get about that much or a little more."

He overestimated how much the jack pot would bring in, because, if I remember the testimony aright, he got only about $900 out of the jack pot.

Judge HANECY. I object to that.

Of course, the judge would object to that, because that is very interesting and valuable testimony.

That will be the principal purpose of this prosecution to bring in other matters and slime this proceeding over with something that members of the legislature said in relation to other matters—a jack pot, etc., and I object to their going in and trying the other members of the legislature, or the members of the legislature generally, for misconduct in this proceeding.

I notice all through the testimony that Judge Hanecy tried to keep out of the record all testimony relating to the jack pot. It seemed that the evidence in regard to the jack pot was so conclusive that it could not be disputed, and the connection between the two funds, the jack-pot fund and the Lorimer fund, was so close that I can see the skill of the judge in his efforts to bar all evidence relating to the jack pot, because all through the testimony disclosed that; the one corroborated and supported the other. They were two pillars of an arch, both necessary to support the structure.

I ask the pardon of the Senate for reading so slowly, because I can not comment as I would like to do and make any more rapid progress. While it may take some time to get through the entire testimony, nevertheless I hope to make it as complete as possible, and where any of it appears to be somewhat uncertain or hazy to amplify it and make it plain.

That was the purpose.

Now Mr. Austrian, after Judge Hanecy's objection to this——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Crane	Kean	Simmons
Bankhead	Curtis	Lorimer	Smith, Md.
Borah	Dick	McCumber	Smith, Mich.
Bradley	Dillingham	Martin	Smoot
Brandegee	Dixon	Nixon	Stephenson
Briggs	du Pont	Oliver	Stone
Bristow	Fletcher	Owen	Swanson
Bulkeley	Flint	Page	Taylor
Burkett	Gallinger	Paynter	Thornton
Burnham	Gamble	Penrose	Warner
Burrows	Guggenheim	Percy	Warren
Carter	Heyburn	Perkins	Wetmore
Chamberlain	Johnston	Piles	Young
Clark, Wyo.	Jones	Shively	

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The Senator from Kansas will proceed.

Mr. BRISTOW (reading):

Judge HANECY. The purpose is to put it before this committee and it has nothing to do with the Senatorship.

That is, information as to the jack pot.

Mr. AUSTRIAN. If I am permitted to state the purpose I will be pleased to——

Mr. FLINT. I hope the Senator from Kansas will have the attention of the Senate.

The PRESIDING OFFICER. Did the Senator from California desire to ask me a question?

Mr. FLINT. No; I suggested to have order so that we could hear the Senator.

Mr. BRISTOW. I will try to speak loud enough. My complaint of the disorder does not indicate that I had desired that any Senator should leave the room. I would very much prefer, of course, that they stay because I am reading the testimony.

I fear that a great many Senators, busy as they are with the crowding duties in the closing days of the short session, have not had an opportunity to read this testimony. I think that every Senator here ought to hear it if he has not read it before he casts his vote upon this most important question. So I voluntarily hope to relieve——

Mr. KEAN. May I ask the Senator a question?

Mr. BRISTOW. Certainly.

Mr. KEAN. The Senator says we ought to read the testimony or hear it read before we cast our votes. At what time would the Senator like to have us vote?

Mr. BRISTOW. Oh, I will leave that to the pleasure of the Senate.

Mr. KEAN. The Senator does not seem to want to give any one an opportunity to vote.

Mr. BRISTOW. But the Senator from New Jersey certainly does not want to vote before he has heard the testimony?

Mr. KEAN. But I have read the testimony.

Mr. BRISTOW. Has the Senator read it all?

Mr. KEAN. Yes; all.

Mr. BRISTOW. I think that it would be profitable to the Senator from New Jersey to hear it a second time.

Mr. KEAN. I shall listen to the Senator.

Mr. BRISTOW. Of course, in reading this testimony, I expect to illuminate some features of it. I hope the Senator from New Jersey will not feel that these efforts of mine are wholly in vain.

Mr. AUSTRIAN. If I am permitted to state the purpose, I will be pleased to. The evidence will disclose that there were certain Democratic members of the house and senate that entered into a combination in respect to this so-called bribery matter, that is the purpose of it. A senate committee held it was proper in the Clark case.

I wondered if there were any Republican members of that legislature who were bribed. As I remember the evidence, all of the members who are alleged to have been influenced in their votes by the promise of money were Democrats. I have wondered if there was any corruption as far as the senatorial election was concerned on the Republican side. It seems to me that the committee—and I do not want to offer this as a criticism, but merely as a suggestion—has failed in its duty in not undertaking to investigate the Republican members of the legislature with that degree of vigilance they seem to have exercised or that seems to have been exercised in bringing out the facts as to the Democratic members.

But that difficulty could not lie with this committee, because the committee was composed of both Democratic and Republican members. Still all the corruption seems to have been developed on the Democratic side, and I wonder if the Democratic members of the committee or the subcommittee were as vigilant as they should have been in the pursuit of the investigation of the members of the opposing party. However, be that as it may, I am digressing, and I think the testimony is more useful than these side observations.

Judge Hanecy must have been a great orator in a way, because he makes the longest speeches in arguing this question as to the purpose of bringing out information as to this jackpot fund. He said:

Judge HANECY. There is no system here, notwithstanding the remarks of brother Austrian about a "jack pot." I submit that it is unnecessary, because a man is charged with taking a bribe of a thousand dollars for voting for another man for United States Senator to prove that the man committed some other offense.

I disagree with him there, for if that man was accustomed to accepting bribes, if it clearly appeared that he did accept a bribe for some other cause or for some other purpose, would not any evidence tending to show that he had accepted a bribe for the purpose of influencing his vote for United States Senator—would not the fact that he had been bribed to vote on other things be material in enabling anyone to weigh the probability of his having accepted that money? So, I think, Judge Hanecy was wrong in that statement.

For instance, that he set fire to somebody's building or his own building for the purpose of defrauding some insurance company or committed murder or some other offense.

That is true, but they were not trying to show that this man had killed anybody or committed any murder. What they were endeavoring to do was to show that he had accepted bribes from the same men during the same time for other purposes as well as for voting for United States Senator.

If that is to be the rule here, then there can be no limit to it. It is not competent, and can not be, that the other matters had to do with the election of a United States Senator, as Mr. Austrian says, because some man got money for doing other things, and the system he says was so that they could get money for other things, and the other things have no relation whatever to the senatorship. The senate, as a whole, is a separate body created by the Congress of the United States under the Federal Constitution. It is not a legislature. They meet in a separate house, and they never meet in joint assembly except for the election of the United States Senator. That was determined in the Davidson and McCall case, where the question was gone into by the best lawyers in the Senate and in this country. Then the law in that question was tested in the matter of the governorship between Charles S. Deneen, Republican candidate, and Mr. Stevenson, the Democratic candidate, and the only body that could decide that contest for the governorship was the legislature, and that is the law. It is made the law by the Federal statute under the Federal Constitution, and there is no other law that can control it. There is not a word in the statutes of Illinois or in the State constitution about the election of United States Senator, and the only body that can elect is the joint assemblage created by the Federal statute of 1866.

It can not be contended that he did. When they meet in joint assembly the Federal statute provides that they must meet at 2 o'clock, meridian time, wherever it may be, fixing the time, and says that they must take at least one vote each legislative day until a Senator is elected.

They took one vote each day. On a few days they took more, but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business.

Now, I should like to know what that had to do with it? It seems to me that it had nothing whatever. What is this argument—here is a full page of it by this lawyer—instructing this committee of United States Senators how the legislature proceeds to elect United States Senators? Everyone of them was a Senator, and some of them had been for many years. They knew just how the election of a Senator takes place—the formalities that are observed—and still they let this fellow stand there and talk to them for 10 or 15 minutes about a matter that is wholly immaterial and of which they had absolute knowledge. I think I will leave it to the Senate if just criticism does not lodge against the committee for this waste of time, waste of printing matter, waste of public funds, waste of the time of the Senators who are compelled to read it. But listen to it.

They took one vote each day. On a few days they took more but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business. Now, will it be contended by anybody, much less a lawyer, that what the members of the house and the senate did in passing legislation in relation to Chicago, or Cairo, or Galena, or Waukegan, or some other place during the separate recesses can be grafted onto the proceedings in the general assembly and have the election of a United States Senator and the candidates before that joint assembly who were running for United States Senator charged with what they did? That is just what this means and it does not mean anything else.

Just think of that! I am not sure but here is another half page of this meaningless, pointless stuff incumbering this record.

Now, if we have got to be smirched by that, why then there is no safety for anybody. All they have to do is to say, "We are going to make charges against those men; the man who went to the legislature was a bad man; he divorced his wife, or he murdered his wife or his child or something else." Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why, then, it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home to show that he took bribes or did other offenses contrary to the criminal law.

Mr. CHAMBERLAIN. Mr. President, I should like to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. Certainly.

Mr. CHAMBERLAIN. Of course, we have heard the testimony, or most of it at least, in the Lorimer case and we are more or less familiar with what has been said by all of the witnesses. Would it not be of more profit to the Senate if the Senator would read something with which we are not familiar, for instance, Elliott's Debates or the Old Testament or the New Testament or anything that the Senate has not before heard?

Mr. BRISTOW. If the Senator from Oregon will provide me with a copy of the New Testament or a copy of the Old Testa-

ment, I shall be very glad to read him a chapter. I think it will be profitable to him, and I shall gladly comply with his request. I do not, however, happen to have with me a copy of the books referred to by the Senator.

Mr. CHAMBERLAIN. I presume that the Presiding Officer can furnish the Senator with any of the books I have mentioned.

Mr. BRISTOW. That is very good. Not having the Bible or the Testament here, I think that I should, until they arrive at least, devote myself to the presentation of the evidence in the case that is now before the Senate. I know that the arguments of these attorneys are very uninteresting and of very little value, but if I omitted the arguments I would be accused of garbling the record, and that is an accusation that has been made against the committee. I do not want to fall into the same fault that the committee is accused of having fallen into.

Mr. CHAMBERLAIN. I submit in perfect good faith, and without any disposition to be frivolous in the matter, that the reading of Elliott's Debates would be very much more interesting to the Senate than the reading of the testimony in this case that was taken in Chicago.

Mr. BRISTOW. Doubtless the reading of some of George Eliot's novels might be more interesting and might be more entertaining. Indeed, I might read the debates of the constitutional convention, but I am presenting to the Senate the evidence directly upon the case that is now under consideration, and I hope I shall not be criticized for reading the very evidence upon which the Senator must base his ultimate decision when he casts his vote upon this case. I appreciate very deeply indeed the kindly suggestions of the Senator, and I would be glad to comply with them if it were convenient, but I regret that it is not.

I do not want to miss any of this:

Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why then it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home, to show that he took bribes or did other offenses contrary to the criminal law, and that is what this proceeding is for at this time, and I submit nothing else; and therefore I say it should not come in here.

Senator HEYBURN—

This is the first time in this record that the Senator from Idaho [Mr. HEYBURN] has asked a question of the witness White. Further on in the testimony you will observe, as you follow my reading, that he became very active in the discharge of his duty as a member of the committee. I want to pay that compliment to the Senator from Idaho.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

Mr. BRISTOW. I am very sorry to have my remarks interrupted by these continued roll calls, but I know of no way of avoiding it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Crane	McCumber	Smoot
Bankhead	Culberson	Martin	Stephenson
Brandegee	Curtis	Nixon	Stone
Briggs	du Pont	Oliver	Swanson
Bristow	Fletcher	Owen	Thornton
Brown	Flint	Page	Warner
Bulkeley	Gallinger	Paynter	Warren
Burkett	Gamble	Penrose	Watson
Burnham	Heyburn	Percy	Wetmore
Burrows	Johnston	Piles	Young
Carter	Jones	Shively	
Chamberlain	Kean	Simmons	
Clark, Wyo.	Lorimer	Smith, Md.	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. CHAMBERLAIN. Mr. President, I want to say that, acting in the capacity of judges of one of the highest judicial tribunals in the United States, I feel that we ought to give Mr. LORIMER a vote on this question and determine whether or not he is entitled to a seat in the Senate. But I feel and realize that there are some concessions that ought to be made by his friends, and that the matters at issue between the men on both sides of this question in the Senate ought to be determined.

The PRESIDING OFFICER. The Chair understands that the Senator from Kansas has yielded to the Senator from Oregon?

Mr. BRISTOW. Yes.

Mr. CHAMBERLAIN. I am frank to say that I am opposed to the position which the friends of Mr. LORIMER take in the Senate, but yet I feel that, acting as judges, we ought to determine this question and vote for or against him. But whatever else is pending in the Senate, we ought to make some concession, and I think we ought to determine the matter right now.

Mr. BRISTOW. Mr. President, continuing, I am sorry to announce that a great deal of this testimony is taken up with a discussion of the attorneys, which is very dry and uninteresting. The evidence of the witnesses is somewhat different; indeed it was difficult for me, in reading the testimony the first time, to carefully read these long-winded discussions of the attorneys. I could not get much value out of them, but it was necessary to read them in order to understand fully the weight of the testimony that followed that was admitted or to understand the character of the testimony that was to be excluded.

I was starting in with the examination by Senator HEYBURN.

Senator HEYBURN. As I understand it, you urge no objection to that part of the question, that he was to receive a thousand dollars?

Mr. HANECY. I have no objection to that, Senator.

Senator HEYBURN. Well, now, suppose that in the same conversation——

Then he was interrupted by Judge Hanecy. I think the question that was to be propounded by Senator HEYBURN was a very pertinent and proper one. But he is interrupted by Hanecy, and there was a long discussion here that I think was very irritating; it certainly must have been.

Mr. HANECY. If in the same conversation he stated that the consideration he was to receive for his vote—in that conversation he stated he was to receive a certain additional sum or additional amount or percentage. Now, would that be equally a part of the consideration for his vote as the thousand dollars, Mr. Senator? If he says, or if this witness should swear here that it was agreed that he was to be paid a thousand dollars for voting for LORIMER and then was to get a cow or a horse in addition to that, that he was to get some other consideration for doing that thing—not something else—then it is competent here. But unless it is, then it is not competent here, I submit.

Mr. AUSTRIAN. I would just like to answer what counsel has said, if I may.

Now, Austrian comes in with a long argument.

Senator BURROWS. Certainly.

The Senator was very courteous to him.

Mr. AUSTRIAN—

Now, we have an address to the committee by the counsel for the Chicago Tribune.

Mr. AUSTRIAN. Counsel is mistaken in what the law is in this State, as well as in other States. What the law is has been held by the Senate committee of which Chairman BURROWS is a member. The purpose of it is, if you will permit me, Mr. Chairman—and I will not take nearly so long as opposing counsel did—the purpose of it is to show that in that legislative body that there was general corruption.

Mr. BAILEY. Will the Senator from Kansas yield?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. Certainly.

Mr. BAILEY (at 7.45 a. m., Tuesday, Feb. 28, 1911). Acting upon the suggestion of the Senator from Oregon [Mr. CHAMBERLAIN], to which I thoroughly assent, and which I think entirely wise and proper, I am going to ask the Senate to take a recess, if I can have unanimous consent, until half past 11 o'clock, and see if it is not possible to reach some basis of agreement upon which the Senate can proceed to dispose of the matter pending before it, and then proceed to dispose of other matters, so as at least not to render an extraordinary session of Congress absolutely necessary.

I ask the Chair to submit as a request for unanimous consent that the Senate take a recess until 11.30.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the Senate take a recess until 11.30 o'clock this morning.

Mr. McCUMBER. Will not Senators have plenty of time for any possible arrangement that we can make if we take the recess until 10 o'clock? We have not many more days left.

Mr. BAILEY. I will say to the Senator from North Dakota that half past 11 would give Senators but three hours in which to have breakfast, change our linen, and do such other things as are necessary. There are certain groups of Senators who desire to have some conferences, and I think if we were to come back at 11 or half past 10 we would probably find ourselves still not ready to dispose of the matter.

Mr. McCUMBER. If there is any hope of settling the matter that is in controversy and going on with the business of the Senate, of course it would be well for us to adjourn until to-morrow, if it could be done, and get through with this. I have not much hopes of our being able to secure it.

Mr. BAILEY. There is a special order fixed for to-day immediately after the reading of the Journal, if we reach that time, and I hope we will, without any doubt, and I feel that it would be time saved to take a recess until half past 11.

Mr. McCUMBER. I shall not object, if the Senator has any hopes of accomplishing anything.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HEYBURN. I notice the absence of the chairman of the committee. I think he should be here before unanimous consent is given.

Mr. BAILEY. I will say to the Senator from Idaho that I have consulted—I did not see the chairman—with some other members of the committee, and those that I did happen to see——

Mr. HEYBURN. I say that merely because the chairman requested me to be on guard here, and he might feel that I was not representing him properly if action should be taken in his absence. I should want to know that he had personal knowledge of the proposed proceeding. Otherwise I should feel that I was neglecting a charge that he had requested me to look after.

Mr. BAILEY. I will say to the Senator from Idaho that the chairman of the committee has not been personally consulted because it was not convenient to consult him. I was responding to the suggestion made by the Senator from Oregon [Mr. CHAMBERLAIN] only a moment ago; and in conference with some Senators on both sides who are interested that seemed to me to be about the best course.

Mr. CHAMBERLAIN. Mr. President, of course I feel that I am a new Member in the Senate as compared with some of the distinguished gentlemen who are here to-night, but it seems to me that what has been done here has been merely child's play. To be entirely frank with my distinguished friend, the Senator from Texas, and other friends, I want to say that I am in favor of unseating the gentleman who has been sent to this distinguished body from Illinois, but the condition precedent which has been imposed upon us of deciding that question and deciding the question as to the creating of a tariff board, which has been suggested by the distinguished Senator from Iowa, now confronts us. It seems to me, acting in the capacity of one of the judges on this important question, that the sitting Member is entitled to a vote on his case. He may be dismissed from this body, to which he claims to have been elected. It may be that he will be seated as a Member of this body; but whether that be true or not, it is the duty of the Senate, acting in the highest capacity of any body in this Union, to decide that question first, and then to determine the question whether or not we want a tariff board, as suggested by the President.

I believe, Mr. President, if we will dispose of the first question—whether Mr. LORIMER is entitled to a seat in this body—all else will follow in order, and tying it up with something else that ought not to be linked with the question as to his right to a seat in this body is mere nonsense.

I believe, with the Senator from Texas and others who have spoken here to-night, that if we will wipe out from the consideration of this body the question as to Mr. LORIMER's seat, all else will follow in order. I think we ought to determine that question as one of the highest deliberative bodies in the Union, and I hope the Senate will determine that question first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas.

Mr. BULKELEY. In view of the suggestion of the Senator from Texas, I should like to ask the question, Suppose the Senate now takes a recess and reassembles at 10 or 11 o'clock and goes on with its proceedings, under some arrangement, on this legislative day, when 12 o'clock comes what becomes of the special order?

Mr. BAILEY. Of course, that is a parliamentary question which might be properly addressed to the Chair, but since the Senator from Connecticut does me the honor to ask me my opinion on it I say to him very frankly that I think that order would be displaced.

Mr. BULKELEY. That is my own view of it.

Mr. BAILEY. In other words, the order is for a vote immediately after the reading of the Journal. If this session of the Senate does not terminate before the next daily session should begin, there would be no Journal to read.

Mr. BULKELEY. That is my view of it.

Mr. BAILEY. But I hope we will not encounter that condition.

Mr. BULKELEY. I suggest the regular order. Let us go on with it.

The PRESIDING OFFICER. The Chair will suggest——

Mr. BAILEY. Of course, I could make a motion, but I did not want to do that. I rather felt as if there was irritation enough already. I do not want to beat anybody again unless it is absolutely necessary. I think we could take the recess without any trouble, but I should like to see it done unanimously.

I think, Mr. President, after what I have witnessed to-night that it will be a long time before I again engage in a filibuster. I am rather inclined to think it may be a useful lesson to me, and hereafter when my part of the debate is over I shall be ready to vote, and certainly when other Senators have concluded their real addresses I think I shall never obstruct unless it be in a matter involving the safety of my own constituents.

I hope there will be no objection now to the recess.

The PRESIDING OFFICER. Displacement of the special order could be avoided by an adjournment after the Senate convenes after the recess.

Mr. BAILEY. I understand that. That could be avoided if we meet at half past 11 and adjourn at 5 minutes to 12; that would save that. There is no question on that.

Mr. STONE. I concur in what the Senator from Oregon said as to the right of Mr. LORIMER to have a vote. I have not sought to prevent a vote being taken, and shall not. I agree with the Senator from Oregon that the question of agreeing upon a time to take that vote should not be coupled with any other controversy, so as to endanger an agreement as to the Lorimer case. I do not care to stand in the way of the progress of the Senate's business if I can avoid it.

I apprehend that the suggestion made by the Senator from Texas [Mr. BAILEY] is predicated upon something that I had said to Senators as well as upon what the Senator from Oregon has said. I think it would be advisable to take the recess as suggested, that there might be some conferences among Senators as to the best course to take, out of the hope that those conferences might lead to some agreement by which the difficulties confronting us could be adjusted.

Nevertheless I think it due to say that I do not wish it understood by anything I have said that I have assumed any responsibility of assuring an agreement. I will be glad to contribute so far as I can to bring it about, but we may come back here at the end of this recess no better off, no further advanced, than we are, and I think it proper that I should make that statement so that we will proceed with a clear understanding, or at least avoid any possible misunderstanding, and that I ought to make this statement, as I do, before any recess is agreed to.

Mr. CHAMBERLAIN. Mr. President, of course we who are here and participate in the ceremonies of this occasion, if I may so say, appreciate to the full the difficulties which confront us. But there is one thing that we are liable to overlook. Our constituents and the public at large are likely to look upon the proceedings of to-night as a wastefulness of effort, and an expenditure of the people's money that is entirely unjustified by anything that has happened here to-night.

As I said awhile ago, I am one of those who differ with my friend the Senator from Texas. I believe that the country expects, and I believe the testimony which has been adduced here to-night justifies, the exclusion of Mr. LORIMER from the Senate. I say that reluctantly, because I have known and respected him for a great many years. I have learned to love him for his many excellent qualities of head and heart, but I believe, Mr. President, that the testimony which has been adduced here warrants us, as it would warrant any jury under the same circumstances, to render a verdict against him.

However, taking all of these things into consideration, there are other matters which the public expects from us. It expects from us that we shall discharge our duties not only with respect to the individual whose fate is in our hands to-night, but it expects us to discharge our duties with reference to the public weal and the public welfare.

So looking upon this question, it is not only one as to our duties with reference to the sitting Member; it is a question with reference to our duties to many pressing public measures which are resting upon us for decision to-day. One of these important measures is the question which the distinguished Senator from Iowa has insisted shall be determined, as well as the decision of the right of Mr. LORIMER to a seat in this body, and that is the proposal which has been submitted to us in regard to the establishment of a tariff board.

That is not all, Mr. President. There are not only these questions, but there is another very important question for us to determine, and that is as to the reciprocal agreement between the United States and Canada.

But not only that. There are many other questions which devolve upon us as representatives of the people of this great country. There is the great question as to whether we shall continue the Government of the United States by the appropriation of sums of money sufficient to carry on the affairs of Government as they have been carried on in the past.

But leaving all of these questions aside, Mr. President, sitting here as a member of one of the greatest tribunals in the

world, realizing my duties and responsibilities, and feeling as I do upon the question now before us it seems to me that no Senator here can refuse to accord to the man who is now on trial not only a prompt but an immediate settlement of his claim to a seat in this body. It may be, Mr. President, that we may determine he is not entitled to a seat in this body. It may be that we may determine that he ought to be excluded from the Senate. But whatever may be the decision of this great tribunal, it is our duty to determine it at once, and then all things which follow may follow in the ordinary sequence of events.

I say, Mr. President, in according to Mr. LORIMER the rights which the Constitution of the United States, which the constitution of every civilized body accords to him, it is our duty in determining that question to say whether these other great questions which come near to the hearts of the American people shall also be determined promptly. In that respect I agree heartily with the contention of the Senator from Iowa; and while I do not insist upon it as a condition precedent, the Senate, as a deliberative body second to none on the face of the globe, ought to determine these questions now in a manner becoming to the dignity of this tribunal.

I was about to ask, Mr. President, that we come to a vote now, first upon the question as to whether Mr. LORIMER is entitled to a seat in this body, and, second, as to whether we shall have a tariff board; but upon the suggestion of my distinguished friend from Texas I simply leave that question open.

Mr. BAILEY. It has been suggested that it would be more agreeable to some Senators to meet at 11 o'clock instead of 11.30, so I modify my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the Senate stand in recess until 11 o'clock? The Chair hears none, and the Senate stands in recess until 11 o'clock.

Accordingly (at 8 o'clock and 10 minutes a. m., Tuesday, Feb. 28) the Senate took a recess until 11 o'clock a. m.

AFTER RECESS.

The Senate reassembled at 11 o'clock a. m., at the expiration of the recess.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Senator from Kansas [Mr. BRISTOW] has the floor.

Mr. BEVERIDGE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BEVERIDGE. I rise to a parliamentary inquiry in my own right.

The VICE PRESIDENT. The Chair begs to correct the Senator about that.

Mr. BEVERIDGE. I submit to the Chair the question.

The VICE PRESIDENT. Very good; the Chair will listen to the Senator anyhow.

Mr. BEVERIDGE. The parliamentary inquiry, as the Chair will see, is an important one. This is a continuation, as I understand it, of the legislative day. The parliamentary inquiry is that if this legislative day should continue to and past 12 o'clock, will that vitiate the special order for that time?

The VICE PRESIDENT. It certainly will.

Mr. BEVERIDGE. The special order, I understand, is the vote upon Senate joint resolution 134, proposing an amendment of the Constitution providing for the election of Senators by a direct vote of the people.

Mr. President, that being the case, I ask unanimous consent that at 11 o'clock and 55 minutes the Senate shall stand adjourned. In that way we can save the special order.

The VICE PRESIDENT. The Senator from Indiana asks that——

Mr. HEYBURN. Mr. President, I think we need no unanimous consent. The Senate can adjourn without unanimous consent.

The VICE PRESIDENT. Objection is made.

Mr. BEVERIDGE. I merely want, if the Senator will permit me a moment——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Indiana?

Mr. BRISTOW. I yield.

Mr. BEVERIDGE. I merely want to say that I submitted my parliamentary inquiry, thinking that the status was as the Chair ruled, and therefore I call the attention of every Senator present to the predicament in which we may find ourselves that Senators can all have it in mind in case anyone should make a motion to adjourn, which I shall do.

Mr. GALLINGER. We have been thinking of it.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet at 11.50.

The VICE PRESIDENT. At 11.50 to-day?

Mr. NELSON. Yes.

The VICE PRESIDENT. The Senator from Minnesota moves that when the Senate adjourns to-day it adjourn to meet at 11.50 to-day.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. A motion has been made which is not debatable.

Mr. BEVERIDGE. I am aware of that. I do it only by sufferance. The motion as I understood it——

The VICE PRESIDENT. The Chair thinks it ought not to be done even by sufferance.

Mr. BEVERIDGE. Very well; I think the Chair is right.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. HEYBURN. I should like to make a suggestion.

The VICE PRESIDENT. It is not debatable. An objection, even, is debate.

Mr. HEYBURN. I am not debating it.

The VICE PRESIDENT. The Chair just stopped the Senator from Indiana on the theory that anything is debate.

Mr. HEYBURN. I ask unanimous consent to make a suggestion.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent to make a suggestion. Is there objection?

Mr. BEVERIDGE. I do not want to object to the Senator asking unanimous consent, but it has been ruled against me.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Debate is not in order.

Mr. HEYBURN. I suggest that we are in the legislative day of the 27th day of February, and an adjournment, even if it was taken to a period 15 minutes hence, would be an adjournment to meet on the 28th.

Mr. BEVERIDGE. We understand that.

Mr. HEYBURN. The Senator may understand it, but it was not so expressed. I think if we keep our dates straight we will have no trouble.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. NELSON. I move to amend my motion to make it more definite and clear. It is to adjourn to 11.50 on this calendar day, February 28.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota. [Putting the question.] The ayes appear to have it. The ayes have it, and the motion is carried.

Mr. MONEY. Will the Senator from Kansas yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. MONEY. Mr. President, yesterday afternoon on the motion for a recess to 8 o'clock I voted for a recess and went away supposing it had carried and feeling quite unwell I went home and went to bed. I did not know of the continuous night session until this morning, when I had notice to come here at 10 o'clock. Having learned the history of last night's transactions briefly from several gentlemen I want to make a little statement.

I do not believe that anybody on the Democratic side of this Chamber wishes to postpone or delay for one moment a vote on the Lorimer case. I believe when I say that I represent every Democrat here. It is certainly my sentiment. On the other hand, when it comes to passing the tariff board bill, which in my opinion should not have been put in here at a short session for the dominant party to deprive Democrats coming in of the instrumentality which they will choose for themselves, I will not consent to take that up at any time.

But I want to say further that there is no disposition on my part, or on the part of any Democrat here, to filibuster on any-

thing. If there shall be an extra session, it will be welcomed by many gentlemen on the Democratic side, but not by me, for I think it will most seriously affect the beginning of what is predicted a prosperous year and very much arrest industrial enterprises and the rising values of the country.

The Republicans are here in a very large majority and can at any moment pass any bill they choose to take up if they can come to an agreement, and it can be voted upon either yea or nay. I do not believe and I certainly would very much dislike to think that any Senator can be influenced by any intimation from the White House as to anything affecting his conscience, but in a matter of expediency and policy we must take note of the utterances of that gentleman by gentlemen who stand or fall with him when he chooses to do so, with or without reason.

It does not seem to me, briefly, that this treaty is of sufficient importance to make this great trouble. It is raising a tempest to waft a feather or drown a fly. I have weighed that treaty as a member of the committee as carefully as I could, and I do not find that taking it altogether its advantages or disadvantages are very great. It will affect a local interest injuriously here and another local interest favorably there.

I announced to that committee distinctly that I would not support the treaty for its commercial advantages but simply because, as there are only three peoples upon this continent, each one extending to either ocean, we must exercise some statesmanship in providing for a friendly mental attitude with our good neighbors north and south that will make them so friendly to us by the close interweaving of commercial, social, and domestic ties that they would be in the future unwilling to furnish on their soil a basis for military operations from either ocean against the United States.

That is what has influenced me. But I was only one of two on that committee who really approved of the bill putting the agreement in operation. I mean on all sides, there are only two members who really at heart favored that reciprocity treaty.

Now, I am not so much wedded to my opinion, nor have I so much of the vanity of consistency as will maintain the record I made in that committee. The consistency which I have always endeavored to maintain here is that of doing what I thought was best under all circumstances, and circumstances frequently make me change my mind.

I am willing now to have that agreement come up and to dispose of it in the interest of the public welfare, to vote to kill it if necessary, but I am informed this morning that the President would not for a moment submit to the defeat of that agreement by an arrangement for its defeat. I can not see the difference between an out-and-out arrangement of the changes of mind in some men to vote for or against the agreement and any other arrangement that is usual in legislation to secure the passage or defeat of a measure.

I regret, Mr. President, that there seems to be engendered somewhat in this attrition of wishes, and that on the floor of the Senate, a little bit of acrimony which has heretofore kept out of the Senate, at least for some time. I heard with great pleasure this morning from the Senator from Vermont [Mr. DILLINGHAM] that the speech of the Senator from Georgia [Mr. BACON] last night rose to a great height in the expression of his sentiment for preserving the peace and good order and dignity of the Senate and acting in good faith toward everyone.

Now, I want to say, I will be here only four days. My public career will close and I will retire to my farm. As Thomas Jefferson said when he was asked to run a third time by the legislature of Vermont, I want to go to my farm with clean and empty hands.

I love peace, and there is nothing on earth that so distresses me as strife and conflict. I am willing to make any sacrifice I can for peace. There has been no reason for any display of feeling that I know of. The Democrats have won a large and, in some measure, an unexpected success at the polls. The Republicans have suffered unexpected reverses in a larger measure than they had expected. But I have heard of no gloating over the Democratic triumph on this side, nor have I noted any particular depression on that side. It is simply one of the vicissitudes of political fortune, and no man need be either unduly elated or depressed or discouraged. The country has not given us the whole legislative branch of the country. The people have given us a large majority in the House. The Republicans will still control the Senate by a working majority. This ought to be a guaranty to the country that there will be neither hasty nor ill-considered legislation. But above all, if it is possible, let us agree to go on with this business in an orderly way without any intention of dilatory motions or anything of that sort.

Of course, if a Senator like my friend from Kansas has something to say on a vital or great question he should say it, and so should everybody else, but nothing for the mere purpose of obstruction.

I look at this situation as a man almost on the outside. Since I have been speaking there has come into my mind a few verses from an old Greek poet, which perhaps the Senate will indulge me in repeating, for I think they are extremely applicable to the situation in hand. It was the invocation or exhortation of an old Greek poet to his own soul. His name is now very rarely ever heard, for his splendid genius is only attested by some magnificent fragments that fortunately for posterity were embedded in the writings of other people. His name was Archilochus, and he and Sappho were adjudged by the Greeks of the classic age of Greece, the age of Pericles, as being the two who were second only to Homer. His lines, if you will allow me, were these:

Tossed on a sea of troubles, soul, my soul,
Thyself do thou control;
And to the weapons of advancing foes
A stubborn breast oppose;
Undaunted 'mid the hostile might
Of squadrons burning for the fight,
Thine be no boasting when the victor's crown
Wins thee deserved renown;
Thine no dejected sorrow, when defeat
Would urge a base retreat:
Rejoice in joyous things—nor overmuch
Let grief thy bosom touch
'Midst evil, and still bear in mind
How changeful are the ways of human kind.

Although that was written 700 years before the beginning of the Christian era, yet neither before nor since has there been a sounder philosophy or a manlier sentiment expressed in nobler verse. It is a lesson that we can take each one for himself.

I think I have stated the position of the minority.

Mr. NEWLANDS. Mr. President, I do not understand that the Senator from Mississippi attempted to speak for all upon this side, but lest there should be any misunderstanding I wish to state my personal views briefly upon the matters which he has discussed.

Personally I do not favor postponing or preventing a vote upon any of the questions that are now under consideration; but I could not join with the Senator from Mississippi in an endeavor to prevent a vote regarding the tariff board. I am for a tariff board as an enlightened method of ascertaining facts upon most complicated questions. I do not fear that a tariff board appointed by President Taft will embarrass the Democratic Party in its work regarding the revision of the tariff. I am willing, so far as I am concerned, with reference to the Democratic nominees upon that board to trust a President who appointed upon the Supreme Bench a White, a Lurton, and a Lamar. I do not believe that that board, however appointed, whether partisan or nonpartisan or bipartisan, will fail to discharge its full duty in the ascertainment of facts. I believe that the oath they will take and the quasi-judicial capacity in which they will act will impress their action in ascertaining the facts, and that for the present unscientific method of ascertaining the facts, a method which has been hitherto pursued by both parties and which, in my judgment, has the disapproval of the entire country, we will have substituted a method of careful examination of all the facts relating to foreign commerce, just as we have to-day an examination of the facts relating to interstate commerce; and that a bipartisan board will be as fair, as just, and as true in its ascertainment of all the facts relating to foreign commerce as has been the present Interstate Commerce Commission, a bipartisan commission, with reference to interstate commerce. So, instead of opposing a vote upon the tariff board bill, so far as I am individually concerned, I shall do everything to facilitate it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 11 o'clock and 21 minutes a. m., Tuesday, February 28, 1911) the Senate adjourned until Tuesday, February 28, 1911, at 11 o'clock and 50 minutes a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 27, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. SMITH of Michigan. To make a motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair can not recognize the gentleman at this time for that purpose, as the Chair is notified that a conference committee desires to make a report.

Mr. SMITH of Michigan. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. SMITH of Michigan. If there are some conference reports to be disposed of, does that necessarily debar us from having District day after they are disposed of?

The SPEAKER. The House at any time can determine what business it desires to consider, but with the enrollment of the appropriation bills just in front of us, and all of them practically to be settled, the Chair must take notice of the status of the public business. The House can, if it desires, refuse to consider a conference report.

Mr. DALZELL. Mr. Speaker, I intended to call up this morning a privileged bill from the Committee on Ways and Means, but I cheerfully give way for the conference report; but following that I propose to call up my bill.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I call up the conference report on the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and ask unanimous consent that the accompanying statement may be read in lieu of the conference report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report and asks unanimous consent that the statement accompanying the conference report may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement see RECORD of Saturday, February 25, 1911, page 3444.)

Mr. GILLETT. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The gentleman from Massachusetts moves that the House agree to the conference report.

Mr. GILLETT. Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present. We ought to have a quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is not a quorum present. The Chair will count. [After counting.] One hundred and thirty-seven gentlemen are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. GILLETT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Esch	Hitchcock	Malby
Andrus	Fassett	Hollingsworth	Maynard
Ansberry	Focht	Howard	Millington
Ashbrook	Foelker	Huff, Pa.	Moon, Pa.
Barchfeld	Fordney	Hughes, W. Va.	Moon, Tenn.
Bates	Fowler	Hull, Iowa	Moore, Tex.
Boutell	Gallagher	Joyce	Morehead
Bowers	Gardner, Mass.	Kinkaid, Nebr.	Morgan, Okla.
Bradley	Gardner, N. J.	Lafean	Mudd
Burke, Pa.	Garner, Pa.	Langley	Murdock
Burleigh	Gill, Md.	Latta	Murphy
Byrd	Gill, Mo.	Law	Palmer, H. W.
Capron	Glass	Legare	Parsons
Clark, Fla.	Goebel	Lindsay	Patterson
Coudrey	Goldfogle	Lively	Plumley
Cravens	Hanna	Livingston	Pou
Crow	Haugen	Lowden	Pratt
Davidson	Havens	McDermott	Prince
Davis	Hayes	McGuire, Okla.	Ransdell, La.
Denby	Heald	McHenry	Reid
Durey	Higgins	McKinley, Ill.	Rhinock
Elvins	Hinshaw	McLachlan, Cal.	Riordan
Rucker, Colo.	Smith, Cal.	Sulzer	Weeks
Sabath	Smith, Iowa	Swasey	Weisse
Sherley	Snapp	Taylor, Ohio	Willett
Slemp	Southwick	Thomas, Ohio	Wood, N. J.
Small	Sperry	Wallace	Woodyard

The SPEAKER. The roll call shows 273 Members present, including the Speaker—a quorum.

Mr. GILLETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the doorkeepers were directed to open the doors.

Mr. GILLETT. Mr. Speaker, the conferees of the Senate and the House have come to a complete agreement, except upon one item, the assay office in North Carolina. That will be taken up after the conference report is considered. The conference report, although it was not required to be printed, was included as a part of my remarks on Saturday last, and Members will find it on page 3444 of the RECORD. The statement has just been read.

It seems to me the only item that the House has shown interest in, and which I should expect would excite attention now is the salary of the Secretary to the President. Members will remember that the Senate put on an amendment raising it from $6,000 to $10,000. The House disagreed to that amendment. It went back to conference and the conferees have now compromised, raising it from $6,000 to $7,500. Whether that will meet the views of the House, of course I can not tell. Inasmuch as I was in favor of $10,000, I am in favor of $7,500. If any Member desires to debate that question I will be glad to yield to him.

Mr. FITZGERALD. I would like five minutes.

Mr. GILLETT. I will yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the action of the conferees is a distinct repudiation of what were practically the instructions from the House. This is the second instance in which the conferees upon this bill have ignored the action of the House upon specific items.

When the conference report was before the House on the 16th of February, the gentleman from Massachusetts moved to recede and concur in the Senate amendment which fixed the compensation of the Secretary to the President at $10,000 per year. Upon a division taken on that question, 52 Members voted in favor of the motion and 130 Members voted in opposition to it. The RECORD shows that the gentleman from Massachusetts then asked for tellers, and not a sufficient number of Members arose to give tellers on the vote. The RECORD then shows that the following transpired:

Mr. FITZGERALD. Mr. Speaker, I move that the House adhere.

Mr. MANN. Oh, no; it is proper to leave it to the conferees; the conferees will understand this, and I will say to my friend from New York that if it ever comes back I will stand by him.

Mr. FITZGERALD. We might as well settle it now.

Mr. MANN. I do not think it is fair to the conferees.

Mr. FITZGERALD. Very well, Mr. Speaker, I will withdraw the motion. I will move that the House further insist on its disagreement to the two Senate amendments.

The question was taken, and the motion was agreed to.

Mr. Speaker, unquestionably a great majority of the House would have voted in favor of the motion to adhere to the House disagreement to the Senate amendment, and that amendment would never have gone back to conference if the motion had been insisted upon; but it was not insisted upon, out of courtesy to the conferees on the part of the House, and in the belief that they would represent the sentiment of this House and not recede on an item upon which there had been such a substantial vote in opposition.

The gentleman from Massachusetts has not the excuse on this occasion usually given by conferees, that this is a complete agreement upon this bill, and that it is necessary to effect a compromise in order to complete the work. They report back in disagreement four amendments upon which the House and Senate can not agree. There is no excuse whatever, publicly given, for the failure of the conferees to respect the sentiment of the House upon this occasion.

Mr. Speaker, if the House is to pass upon the compensation of this official, it should be given an opportunity to do it, if the conferees could not have agreed. I insist that the conferees had no right, in view of the record, to have made any compromise or to have taken any action not in harmony with the sentiment of the House.

Mr. Speaker, I do not intend to enter into a lengthy discussion as to any merit there may be about this proposition; but when the Secretary to the President appeared before the Committee on Appropriations asking authority to reorganize the White House staff he never suggested or intimated any increase in compensation of the position occupied by him, and

the matter has never been presented to any committee of this House.

I am opposed to having items inserted in this way in the Senate and have the House surrender its attitude simply because some gentlemen think they know more than the House does about what it desires. I hope the conference report will be voted down and this item will be sent, with other items in disagreement, back with the notice that the House will not yield its position on this matter.

Mr. GILLETT. Mr. Speaker, I do not think the criticism of the gentleman from New York [Mr. FITZGERALD] upon the conferees is just. It is quite true the House did express itself decisively against the salary of $10,000, but it does not follow that the House would be equally opposed to a salary of $7,500, the same salary that Members of Congress receive, for an office which, I think, all of us will feel requires as much varied ability and more work than is involved in membership of the House. Therefore we bring it back to the House to decide whether $7,500 shall be allowed. I wish to say in this connection that the statement in the press, which Members doubtless saw yesterday or to-day, that the Secretary to the President has been selected, is not authorized and is not correct. The criticism of the gentleman from New York that this proposition was not brought before the Committee on Appropriations when the readjustment of salaries was made is also unfair, because at that time it was not known that the present secretary was to leave his place. Consequently the need of a change in salary was not appreciated, but since then, when this present secretary announced he would retire, and it was found that it was necessary for the President to get a new secretary, then the salary became a live question, and the administration found that to get the person it wanted required an increase in the salary. I think this increase to $7,500 is reasonable.

Mr. FOSTER of Illinois. Does the gentleman from Massachusetts think that there is any difficulty in securing a proper man at a salary of $6,000 a year?

Mr. GILLETT. I would not say that it is impossible. Nobody knows that. I do think that we will be more likely to get a proper man for $7,500 than for $6,000.

Mr. FOSTER of Illinois. May I ask the gentleman what the salary of the Assistant Secretary of the Treasury now is?

Mr. GILLETT. I think it is $5,000.

Mr. MANN. Four thousand five hundred dollars.

Mr. TAWNEY. Five thousand dollars. It was increased two years ago.

Mr. FOSTER of Illinois. There is no difficulty in securing a man for that position, is there?

Mr. GILLETT. Of course there is no difficulty in securing a man at $6,000 as Secretary to the President. We undoubtedly will have a Secretary to the President, no matter what the salary is. What we want is to get the best man.

Mr. BARTLETT of Georgia. Is there any difficulty in obtaining a competent man as Assistant Secretary of the Treasury at $5,000 a year?

Mr. GILLETT. I think it would be difficult to get the most competent man for that salary.

Mr. BARTLETT of Georgia. The gentleman does not mean to say that the present Assistant Secretary of the Treasury, Mr. Hilles, is not a very competent man.

Mr. GILLETT. For what?

Mr. BARTLETT of Georgia. Assistant Secretary of the Treasury.

Mr. GILLETT. Oh, I think he is. He has proved himself an unusually competent man.

Mr. BARTLETT of Georgia. I think so. Now, does it require a more competent and efficient man to be Secretary to the President than to be Assistant Secretary of the Treasury?

Mr. GILLETT. He has proved himself so competent that he has been lured away from that office—and I do not think that I am saying anything that is confidential—to a very much more remunerative place outside of the Government.

Mr. BARTLETT of Georgia. That is generally the way when they school themselves in that position, not simply altogether on account of competency.

Mr. GILLETT. Oh, I do not agree with the gentleman. I think they show their competency there and then prove they are worth a very much larger salary than we pay them, and therefore the Government loses valuable services.

Mr. MADDEN. As a matter of fact, Mr. Speaker, I desire to say, for the information of the gentleman from Massachusetts, that the man who occupies the place as Secretary to the President now was getting $50,000 a year before he took that job.

Mr. GILLETT. I do not know whether that is true or not.

Mr. MADDEN. Well, that is true.

Mr. GOULDEN. Mr. Speaker, I am surprised to hear that the newspaper reports are not correct as to the appointment of Mr. Hilles. I know him well, and want to say that he is eminently qualified for any position, and especially as Secretary to the President, and I will be ready to vote for even $10,000 a year salary to a man of his splendid qualifications.

Mr. BARTLETT of Georgia. After he has been Secretary to the President for, say, a year or two, at $7,500, would he not be very likely to be offered a more remunerative position in private life than $10,000 a year? Have we got to place people in positions where they can get better salaries in private life by increasing their salaries in public life?

Mr. GILLETT. Why, we are not educating them; we are simply giving them an opportunity to show their quality. I do not think we want to do that.

Mr. HARDY. Will the gentleman permit me a suggestion? Does not the gentleman know it is frequently the case that a valuable servant of the State, the secretary of railroad investigating boards, like the State boards of commerce or Interstate Commerce Commission, or something of that kind, when these men get thoroughly competent by their knowledge of the affairs of corporations to enable them to serve the public, then they are offered unreasonable and unusually large sums to take them away from the service of the State?

Mr. GILLETT. Oh, no; I do not know that. Mr. Speaker, as to the suggestion of the gentleman from New York [Mr. FITZGERALD] that this is not an entire agreement, and therefore it might as well be sent back, because we have got to go back anyway, I think it is a mistaken statement, because this is a complete agreement except as to one small item; and if the House, as I hope it will, disagrees to the Senate amendment to that item, I am very confident that the Senate, when it goes back to them, will recede from it and then we will have a complete agreement.

Mr. PUJO. Will the gentleman answer me one question?

Mr. GILLETT. Certainly.

Mr. PUJO. I ask this question for information: How much does the clerk to the Committee on Appropriations get a year?

Mr. GILLETT. Four thousand five hundred dollars.

Mr. PUJO. Four thousand five hundred dollars? That is his salary for a year?

Mr. GILLETT. Then he gets $2,000 extra.

Mr. PUJO. That is $6,500. As a matter of fact, does he not perform nearly all the labor necessary in the preparation of the appropriation bills, the great supply bills of this House?

Mr. GILLETT. Yes; he has a great part of that preparation to do.

Mr. PUJO. How long has he been in that position?

Mr. GILLETT. About 30 years, I think.

Mr. PUJO. Each administration keeps him in that position?

Mr. GILLETT. Yes.

Mr. PUJO. Does not the gentleman believe that his employment or the services performed by him are of more value to the American people than that of secretary or clerk to an executive officer?

Mr. GILLETT. I do not wish to enter into a comparison. I have the very highest admiration for the clerk to the Committee on Appropriations; he is invaluable in that position; but it does not require services which command so high a remuneration outside as the peculiar qualities which are required for a successful Secretary to the President. I now yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to call attention to a provision of this conference report, which may be said, in a measure, to repair an injustice done by the first report, but which nevertheless falls far short of doing real justice to certain underpaid Government employees. My colleague from Wisconsin [Mr. KOPP], when the first report was before the House, called attention to some of the items which had been agreed upon by the Senate and House conferees. That report showed, as this one shows, how employees of the rank and file are neglected and discriminated against. Here is a copy of the first report. I ask attention to some of its provisions. For example, it provides an increase for a chief clerk from $3,000 to $4,000—a one-thousand-dollar increase for a man receiving a salary of $3,000. I do not object to that increase. Perhaps he is worth it. Yet it is true that he was already receiving a pretty fair salary. But what follows? To this I ask especial attention. Immediately after the $3,000 clerk's $1,000 increase is this—I read from the report—

five firemen at $660, instead of $720, each, as proposed by the Senate.

The Senate, it seems, wished to give the firemen $720 each, but the House conferees objected. Finally all the conferees

agreed on $660. These five firemen were to receive only $55, instead of $60, a month each. Refuse them even the little salary of $60 a month, but give a $3,000 man $1,000 more!

However, this time the conferees have reported a provision for eight firemen at $720 each. The suggestion of my colleague seems to have had some effect. This is a slight improvement. It increases the salary of each of these men $60 a year, and yet the total annual salary of $720 is grossly inadequate. The Government of the United States has no business to pay only $60 a month to any reputable man regularly employed in this service. No man can live as a white man, nor as a black man ought to live, in the city of Washington, provide for his family, buy fuel and food and clothing, and perhaps pay rent and now and then a doctor's bill on $15 a week. It is the duty of this Government to pay a decent living wage to every man and woman in its employ.

I am assured by my friend, the gentleman from New York [Mr. GOULDEN], that no watchman employed by the city of New York receives less than $900 a year. But the Government of the United States, the richest—yes, vastly the richest—employer in the world, pays its watchmen only $720 a year, and they work—at least some of them do—every day in the year.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. FITZGERALD. Does the gentleman know why we can not afford to pay those men more?

Mr. COOPER of Wisconsin. Well, I have an idea.

Mr. FITZGERALD. We are too busy wasting our money in other enterprises. We have got to defend the country and the canal and build ships and all that.

Mr. COOPER of Wisconsin. Now, it is true that not all Government employees are underpaid, though many of them are; but I ask the candid judgment of every man on this floor as to whether it is right that the Government of the United States should pay watchmen who work every day in the year, including Sundays, as one of them told me last week he did, only $60 a month. My attention has only recently been called to this subject. One of these watchmen mentioned it to me. He has a wife and four children. Week before last he said to me: "Mr. COOPER, I do not know that I ought to speak to you about it, but I have used up my little savings, and it worries my wife and me almost to death to know what to do. I can not go into anything else; I have no other business. I get only $60 a month. The price of living is going up so that we barely can keep soul and body together."

He is an employee of the United States Government in this city in one of the most magnificent buildings in the world.

There are many Government clerks and other employees whose wages are too small.

Now, a man is not necessarily a demagogue because he speaks here as a friend of these underpaid men and women. Advocates of better wages for these people are not demagogues. This is a question of simple justice. It is utterly wrong for the United States Government to have any person work for it in any capacity for the meager, inadequate pay now received by many in its employ. When the opportunity comes, I shall do what I can to help get adequate salaries for the faithful body of Government employees. [Applause.]

Mr. GILLETT. I yield to the gentleman from Illinois [Mr. MANN] five minutes.

Mr. MANN. Mr. Speaker, the gentleman from Massachusetts a moment ago stated he had been in favor of increasing the salary of the Secretary to the President to $10,000 a year, and therefore, of course, he was in favor of the present proposition of $7,500. I do not agree with him. I was in favor of increasing the salary of the Secretary to the President to $10,000. I would be in favor of increasing the salary of the secretary to $15,000, but not to $7,500. The idea in my mind as to increasing the salary to a large amount is in order to make the Secretary to the President practically an assistant to the President and receive such a salary that he would be on a plane where he could send for Cabinet officers receiving a salary of $12,000 a year and give to them directions when necessary, so that he might help the President in performing the manifold and numerous duties which are imposed upon him. But when it comes to merely increasing the salary from $6,000 to $7,500, that reason does not prevail. This is like any other increase. The Secretary to the President now receives a salary of $6,000. He receives an automobile allowance, which amounts, probably, to $2,500 a year. He is provided, like the Cabinet officers and the President, with transportation, which no other official of the Government receives. And the salary of $6,000 with those allowances ought to obtain, and have obtained, the services of an efficient secretary to perform the duties which are now imposed upon the Secretary to the President. And to merely increase the amount to $7,500 would not in any respect change the character of the secretary or the character of the duties imposed upon him.

Mr. DOUGLAS. Will the gentleman yield to a question?

Mr. MANN. Certainly.

Mr. DOUGLAS. Can the gentleman inform the House how long the Secretary to the President has received $6,000?

Mr. FITZGERALD. About three or four years. It was raised from $5,000 three or four years ago.

Mr. DOUGLAS. Does not the gentleman think the ordinary duties of the President's secretary are increasing yearly very much, indeed?

Mr. MANN. Undoubtedly; they have increased very much, because the work performed by the President is increasing.

Members of Congress and everybody else want to go to see the President personally. They are not satisfied to see a $6,000 secretary. They would not be satisfied to see a $7,500 secretary. They would be satisfied to see an assistant President who could give directions to Cabinet officers. But that question is not before us.

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. YOUNG.]

Mr. YOUNG of New York. Mr. Speaker, I want to take this opportunity to register my serious protest against the salaries that are being paid to the employees of the Government. Mr. COOPER has brought out here the fact which has been running through my mind constantly since I have been in this House, that there are hundreds and thousands of men who are in the employ of the Government who are being paid beggarly salaries, salaries inadequate to keep them decently and support their families or to enable them to do their work efficiently. I have been surprised constantly to find men working for the Government at salaries so meager that it seemed almost impossible for them to keep soul and body together.

In the city of New York or in any other of the great cities of this country men are being paid more whose services are not so valuable, whose work is not so important, as that of those who are employed by the Government in the city of Washington. I say that $720—and in a number of cases I find on the roll people employed at salaries as low as $600 a year—is an insult to the people of this country. There are those here who have stood up for organized labor in a manly, honest, and energetic way, to see that it is properly taken care of. Here is a great body of employees of the Government who have no organization, who have no protection, who are dependent upon the action of this House to give them an adequate amount to live on.

Now, I want to speak of the Assistant Secretaries of the Treasury and of the Secretary to the President. There are three men who are Assistant Secretaries of the Treasury who are worth twice as much as they are being paid, and who could earn twice or three times as much as they now receive if they were in private employment. The Secretary to the President came into the position at a much less compensation than he had been earning.

Some say he had been receiving $30,000 or $40,000 a year and that he sacrificed a very large income to come into the service of the President of the United States at a salary of $6,000 a year. It is proposed now—or the newspapers have stated—that one of the Assistant Secretaries of the Treasury is to be taken from that position and appointed as Secretary to the President. I say to you, as to that gentleman, that he is worth $10,000 or $15,000 or $20,000 a year in private life. I tell you the great corporations and the large individual employers doing a great business need such men. Men become competent, men become qualified, and are just at their most useful point when they are taken from the service of the Government by individuals and corporations, and I say this office of Secretary to the President is worth $7,500 if it is worth anything. There is hardly any gentleman in this House who would take it for the money that is in it, and those who do take the office take it for the honor and not for the compensation.

Now, I ask gentlemen on both sides of this House to be fair to the Government employees, to pay them something like what they are worth, and not fix an arbitrary rule, as has been done here—that any man who is paid $1,200 or more shall not be advanced. I think this is unreasonable and unfair. I think the salary of the Secretary to the President should be made $7,500 a year at least. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman from Missouri three minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I have been somewhat interested in the debate that has taken place on this proposition to raise the salary of the Secretary to the President

from $6,000 to $7,500 per year. Gentlemen on the other side of the aisle, as an argument in favor of this increase, have called attention to the woeful condition of Federal employees in and about the city of Washington. I want to suggest Mr. Speaker, that it comes a little late and with poor grace from the Republican majority on this floor, the party that has been in absolute control of the legislative machinery of this Government for 16 years, at all times having a strong partisan majority on this floor, with every opportunity and facility, with nothing wanting except inclination, to introduce and pass bills which would relieve the condition of these employees who are drawing meager salaries, and yet have stubbornly failed and refused to do one thing looking toward the alleviation of the condition of those for whom they pretend to plead, though the proposed amendment has no reference to them. After this Republican majority has been driven from place and power in the expiring moments of this session they seek to go before the country with a plea in favor of men who work for small salaries.

It would have been more commendable and doubtless more gratifying to employees in the departments of the Government if our Republican friends who are now such firm advocates of higher wages for the poor man had made an effort in that direction while they had the power and when they could have carried some relief to the underpaid clerks in Washington. [Applause.]

It looks to me like this is a mere play to the galleries. If gentlemen are in earnest about it, why have you not taken action before? You gentlemen who favor an increase of big salaries have had the power at every session of Congress to recommend increases of salaries for those who are drawing the small salaries. But we heard nothing of it until now, when a different political party is about to assume responsibility in this House, and now gentlemen who have been indifferent to the appeals of the low-salaried clerks during all the time they have been in control of legislation fall upon the necks of their fellows and weep over the condition of the unfortunate clerks. [Applause.] It looks to me like hypocrisy, and I want to be very mild in my language—in fact, I am always mild. [Laughter.]

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

The SPEAKER. The time of the gentleman from Missouri has expired and the gentleman has no time to yield.

Mr. RUCKER of Missouri. If I am given time I will gladly answer the gentleman.

Mr. GILLETT. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I favored the increase of the salary of the Secretary to the President from $6,000 to $10,000, and I am in favor of this increase, it not being possible to secure the former recommendation. I favor this because no matter who the man is that performs that service he stands in that class of relationship with the President of the United States that he is entitled to all the salary that Congress will appropriate for the office.

I said in discussing this item before that we make a mistake, and some of us are doubtless prejudiced against the increase because of the title which this office carries. The title of secretary to anybody does not imply independent responsibility, executive or administrative authority. It does not imply executive ability and executive responsibility. We are too apt to form our judgment of what compensation should be allowed by the title of the office rather than by the duties and responsibilities of that office.

Mr. Speaker, the duties of the President of the United States are being increased constantly by the Congress of the United States. We at every session of Congress impose upon him executive work and responsibility not with the idea that he himself will personally superintend the doing of that work, but with the knowledge of the fact that it will be necessary for him to delegate the discharge of these duties to some subordinate.

I agree with the gentleman from Illinois that the President of the United States should have a man there with experience, both legislative and executive, capable of discharging almost any duty that the President of the United States is required to discharge. But the President will never be able to get a man of that character, a man of that experience, as long as the title of "secretary" is retained. I do not believe that if you were to make the salary $15,000 or $20,000 a year that it would be sufficiently attractive to any man who is capable, who has the experience and the judgment that a man should have to act as assistant to the President of the United States. You must make the title to the position so that it will imply executive authority, so that it will imply responsibility, and then you will attract men who are capable of discharging these duties and responsibilities that from time to time are placed upon the President of the United States and which must be delegated by him in the very nature of things.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. FITZGERALD. How long has the gentleman entertained these views that it is necessary to increase the salary?

Mr. TAWNEY. I have entertained them for some time.

Mr. FITZGERALD. The gentleman has been in a position where he might have brought some recommendation into the House and made this speech on a bill properly before the House, but he has been suspiciously silent.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 122, noes 115.

Mr. FITZGERALD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 145, answered "present" 7, not voting 81, as follows:

YEAS—151.

Adair	Durey	Howell, Utah	Palmer, H. W.
Alexander, N. Y.	Dwight	Hull, Iowa	Parker
Anthony	Edwards, Ky.	Johnson, Ohio	Payne
Austin	Ellis	Keifer	Pickett
Barclay	Elvins	Keliher	Pray
Barnard	Englebright	Kinkaid, Nebr.	Reeder
Bartholdt	Estopinal	Knapp	Roberts
Bennet, N. Y.	Fairchild	Knowland	Rodenberg
Bingham	Fassett	Kopp	Rucker, Colo.
Boutell	Focht	Kronmiller	Scott
Bradley	Fordney	Küstermann	Sharp
Broussard	Foss	Langham	Sheffield
Burke, S. Dak.	Foster, Vt.	Legare	Simmons
Burleigh	Fuller	Livingston	Slayden
Burleson	Gardner, Mich.	Longworth	Slemp
Butler	Gardner, N. J.	Loud	Sperry
Calder	Gillett	Loudenslager	Sterling
Calderhead	Good	Lowden	Stevens, Minn.
Carlin	Goulden	McCall	Sturgiss
Carter	Graff	McCreary	Sulloway
Cassidy	Graham, Ill.	McCredie	Swasey
Cocks, N. Y.	Graham, Pa.	McGuire, Okla.	Talbott
Cole	Grant	McKinlay, Cal.	Tawney
Cooper, Pa.	Greene	McKinley, Ill.	Taylor, Ala.
Cooper, Wis.	Griest	McKinney	Taylor, Ohio
Cowles	Guernsey	McLaughlin, Mich.	Thomas, Ohio
Cox, Ohio	Hamer	McMorran	Tilson
Creager	Hamilton	Madden	Townsend
Crow	Hanna	Madison	Volstead
Crumpacker	Haugen	Martin, S. Dak.	Vreeland
Currier	Hawley	Massey	Washburn
Dalzell	Hayes	Miller, Kans.	Weeks
Dawson	Heald	Moon, Pa.	Wheeler
Diekema	Henry, Conn.	Moore, Pa.	Wiley
Dodds	Higgins	Moxley	Young, Mich.
Douglas	Hobson	Nye	Young, N. Y.
Draper	Hollingsworth	Olcott	The Speaker
Driscoll, M. E.	Howell, N. J.	Olmsted	

NAYS—145.

Aiken	Ellerbe	Jones	Randell, Tex.
Alexander, Mo.	Esch	Kendall	Rauch
Anderson	Finley	Kinkead, N. J.	Richardson
Ansberry	Fish	Kitchin	Robinson
Barnhart	Fitzgerald	Korbly	Roddenbery
Bartlett, Nev.	Flood, Va.	Lamb	Rucker, Mo.
Beall, Tex.	Floyd, Ark.	Latta	Saunders
Bell, Ga.	Fornes	Lawrence	Shackleford
Boehne	Foster, Ill.	Lee	Sheppard
Booher	Garner, Tex.	Lenroot	Sherley
Borland	Garrett	Lever	Sherwood
Brantley	Gillespie	Lindbergh	Sims
Burgess	Godwin	Lloyd	Sisson
Burnett	Gordon	Macon	Smith, Tex.
Byrns	Gregg	Maguire, Nebr.	Snapp
Candler	Hamill	Mann	Sparkman
Cantrill	Hamlin	Mays	Stafford
Cary	Hammond	Miller, Minn.	Stanley
Chapman	Hardwick	Mitchell	Steenerson
Clark, Mo.	Hardy	Moon, Tenn.	Stephens, Tex.
Clayton	Harrison	Morrison	Sulzer
Cline	Hay	Morse	Taylor, Colo.
Collier	Heflin	Moss	Thistlewood
Conry	Helm	Nelson	Thomas, Ky.
Cox, Ind.	Henry, Tex.	Nicholls	Thomas, N. C.
Craig	Hitchcock	Norris	Tou Velle
Cullop	Houston	O'Connell	Turnbull
Davidson	Hubbard, Iowa	Oldfield	Underwood
Davis	Hubbard, W. Va.	Padgett	Watkins
Dent	Hughes, Ga.	Page	Webb
Denver	Hughes, N. J.	Palmer, A. M.	Wickliffe
Dickinson	Hull, Tenn.	Pearre	Wilson, Ill.
Dies	Humphreys, Miss.	Peters	Wilson, Pa.
Dixon, Ind.	James	Poindexter	Woods, Iowa
Driscoll, D. A.	Jamieson	Pou	
Dupre	Johnson, Ky.	Pujo	
Edwards, Ga.	Johnson, S. C.	Rainey	

ANSWERED "PRESENT"—7.

Andrus	Howland	Rothermel	Wanger
Ferris	Langley	Smith, Mich.	

NOT VOTING—81.

Adamson	Gallagher	Lindsay	Plumley
Ames	Gardner, Mass.	Lively	Pratt
Ashbrook	Garner, Pa.	Lundin	Prince
Barchfeld	Gill, Md.	McDermott	Ransdell, La.
Bartlett, Ga.	Gill, Mo.	McHenry	Reid
Bates	Glass	McLachlan, Cal.	Rhinock
Bennett, Ky.	Goebel	Malby	Riordan
Bowers	Goldfogle	Martin, Colo.	Sabath
Burke, Pa.	Havens	Maynard	Small
Byrd	Hill	Millington	Smith, Cal.
Campbell	Hinshaw	Mondell	Smith, Iowa
Capron	Howard	Moore, Tex.	Southwick
Clark, Fla.	Huff	Morehead	Spight
Coudrey	Hughes, W. Va.	Morgan, Mo.	Wallace
Covington	Humphrey, Wash.	Morgan, Okla.	Weisse
Cravens	Joyce	Mudd	Willett
Denby	Kahn	Murdock	Wood, N. J.
Dickson, Miss.	Kennedy, Iowa	Murphy	Woodyard
Foelker	Kennedy, Ohio	Needham	
Fowler	Lafean	Parsons	
Gaines	Law	Patterson	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. SMITH of California with Mr. CRAVENS (not transferable under any circumstances).

Mr. ANDRUS with Mr. RIORDAN.

Mr. HILL with Mr. GLASS.

Mr. SMITH of Michigan with Mr. CLARK of Florida (excepting District legislation).

Until further notice:

Mr. MUDD with Mr. WALLACE.

Mr. GOEBEL with Mr. WILLETT.

Mr. WOODYARD with Mr. WEISSE.

Mr. PRATT with Mr. ROTHERMEL.

Mr. NEEDHAM with Mr. SPIGHT.

Mr. MOREHEAD with Mr. SMALL.

Mr. MONDELL with Mr. RANSDELL of Louisiana.

Mr. MALBY with Mr. MOORE of Texas.

Mr. LAW with Mr. MCHENRY.

Mr. LAFEAN with Mr. MCDERMOTT.

Mr. KENNEDY of Iowa with Mr. LIVELY.

Mr. KAHN with Mr. LINDSAY.

Mr. HUMPHREY of Washington with Mr. HOWARD.

Mr. HUFF with Mr. HAVENS.

Mr. GARNER of Pennsylvania with Mr. GOLDFOGLE.

Mr. GAINES with Mr. GILL of Maryland.

Mr. DENBY with Mr. GALLAGHER.

Mr. CAPRON with Mr. GILL of Missouri.

Mr. CAMPBELL with Mr. DICKSON of Mississippi.

Mr. BURKE of Pennsylvania with Mr. COVINGTON.

Mr. BARCHFELD with Mr. BARTLETT of Nevada.

Mr. BATES with Mr. BOWERS.

Mr. MCLACHLAN of California with Mr. ASHBROOK.

Mr. AMES with Mr. REID.

Mr. MURDOCK with Mr. RHINOCK.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. MILLINGTON with Mr. MAYNARD.

From February 22 until February 28, inclusive:

Mr. LANGLEY with Mr. SABATH.

From February 21 until February 27, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS (reserving the right to transfer and release on all labor questions).

On this vote:

Mr. GARDNER of Massachusetts with Mr. HOWLAND.

The result of the vote was announced as above recorded.

Mr. GILLETT. Mr. Speaker, there is one matter left in which there is a disagreement between the Senate and the House, and that is the matter of abolishing the assay office at Charlotte, N. C. I believe the gentleman from North Carolina [Mr. WEBB] wishes to make a preferential motion, or I shall——

The SPEAKER. Covered by one amendment or several?

Mr. GILLETT. There are several amendments, but it all relates to one. I ask unanimous consent that they may be considered together.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment 99, page 84, after line 24, insert "assay office at Charlotte, N. C."

Amendment 100, page 84, after line 24, insert "assayer and melter, $1,500."

Amendment No. 101, page 84, after line 24, insert "for wages of workmen and other clerks and employees, $900."

Amendment 102, page 84, after line 24, insert "for incidental and contingent expenses, $500."

Mr. WEBB. Mr. Speaker, I move that the House recede and concur in the Senate amendments.

The SPEAKER. The gentleman from North Carolina moves that the House recede from its disagreement to the amendments of the Senate just read and concur in the same.

Mr. LIVINGSTON. Mr. Speaker——

The SPEAKER. This is a preferential motion, but under the rules and practices the gentleman from Massachusetts is entitled to the floor.

Mr. GILLETT. Does the gentleman wish to argue the question?

Mr. WEBB. For about three minutes.

Mr. GILLETT. I yield three minutes to the gentleman.

Mr. WEBB. Mr. Speaker, I shall be very brief, because this matter was before the House last week. A few days ago, when we had about 60 Members present, this matter came up for consideration, and on a very close vote they continued the disagreement. I feel like apologizing to the House for discussing a matter which only involves an extra expenditure on the part of the Government of the insignificant sum of just $700. It is too small to haggle about, and yet that is the trouble between the Senate and the House now. I congratulate the House conferees on having settled all the other differences amicably, and this is the only one left in difference between the House and the Senate. The question is whether for the benefit of 206 depositors of gold at the assay office at Charlotte, N. C., the Government of the United States shall simply spend the infinitesimal sum of $700. It appears to you gentlemen a very small item perhaps. The amount of money that the Government will be called upon to pay will be only $700 for keeping this historic institution open. It was built in 1831 on a tract of land that only cost the Government $40, which tract of land now is worth about $250,000, and because this assay office does not pay the Government of the United States a revenue, the Secretary of the Treasury recommends that it be discontinued, that he can get along without it. I submit, gentlemen, on a parity of reasoning, that we ought to abolish the entire Post Office Department of the United States; that on a parity of reasoning we ought to abolish the Navy and the Army, because some might get along without those. On the same parity of reasoning other things could be left out which carry millions of money. Down in North Carolina we have a gold-producing section, where the production of gold is increasing very much. This last year the production of gold increased 80 per cent, and it is increasing every year, and 206 depositors deposited their gold in this office last year, making it a great saving and convenience not only to North Carolina, but Virginia and Georgia as well. Gentlemen, I say to this House that we can not afford to indulge in such cheeseparing. Our State is a modest State, and has never asked for much from this Government, but now the North Carolina Legislature has asked that this Congress do not discontinue this historic institution. The Greater Charlotte Club, one of the largest financial and business organizations between Washington and Atlanta, Ga., has petitioned Congress not to discontinue this office for the sake of the pitiful sum of $700. Consider the good it does and what good it will do to keep it up, and the great convenience of it to the people. Now, gentlemen, I have made this statement to you frankly, and all I wanted to do was to lay the situation before you and ask at your hands that you will not abolish this great institution, which is of so much value in my district. North Carolina will appreciate your consideration of her wishes. The magnificent city of Charlotte will feel grateful to you; and, of course, my appreciation will be unbounded if you will save this office. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. Mr. Speaker, I appreciate that, of course, the gentleman from North Carolina does not wish the assay office there abolished. None of us like to have patronage or expenditure taken away from our States, but if we are going to turn down reforms recommended to us by the department because of personal reasons like this any desire or effort at economies from the department will utterly be discouraged.

Now, it is $2,500 instead of $700, as the gentleman says. The department told us that it is absolutely needless that there should be any assay office in North Carolina. There is no accommodation to speak of to the miners; there is no remuneration to the United States. It is a constant expense. It could exactly as well be done at the other assay offices, with no noticeable increase of expense, and they recommended that in the interests of economy and good administration it should be so done. The House supported the committee. The Senate, where we sometimes think personal influence counts for more than it does here, insisted that this should go back. But I believe now, if the House disagrees, it will end the matter and the recommendation of the Secretary will be carried out, as I hope it will.

I yield to the gentleman from Georgia [Mr. LIVINGSTON] three minutes.

Mr. THOMAS of North Carolina. May I ask the gentleman a question first?

Mr. GILLETT. Yes.

Mr. THOMAS of North Carolina. Does not the Government still assay at the Charlotte assay office $100,000 annually in gold?

Mr. GILLETT. It assayed $88,000.

Mr. THOMAS of North Carolina. Does not that pay expenses and more than pay expenses?

Mr. GILLETT. It does not anywhere near pay expenses.

Mr. WEBB. Last year it was $149,000.

Mr. THOMAS of North Carolina. The gold coming to the assay office is constantly increasing, and my colleague says it has increased 90 per cent in the last year.

Mr. GILLETT. He is mistaken. It is a decrease instead of an increase. I have the figures right here in the report of the Director of the Mint.

Now I yield three minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this is one of the small items in this bill that we have had a disagreement upon, and the chief reason, perhaps, why some are opposed to its remaining in the bill or being accepted by the House conferees is the fact that the assay office at St. Louis went out. The gentlemen from North Carolina and the Senators that are contending so strenuously for this amendment, and the Legislature of North Carolina, are not responsible for that assay office in St. Louis going out of the bill. I want to suggest to the gentlemen on this side of the House, at least, that there is a great deal of gold in that vicinity. Above the water in the soil it can be worked; below the water it is mixed with sulphur, and they are now endeavoring to get a process by which the sulphur can be separated from the gold; and if that is done that mint there ought to be kept open, by all means. You closed the mint in Louisiana from handling gold; our own mint in Georgia, at Dahlonega, has been closed for quite a while, and all the gold in north Georgia has been brought to Charlotte. It is not a question of economy, and I want to suggest it is not $2,400 or $2,700, because we agreed to concede all of them almost, taking only $1,800.

Mr. GILLETT. Will the gentleman allow me?

Mr. LIVINGSTON. Yes.

Mr. GILLETT. Did you hear the amendment read? It was $2,400 or $2,500.

Mr. LIVINGSTON. I know what the amendment is.

Mr. GILLETT. That is what it is.

Mr. LIVINGSTON. I know the conferees at the other end have agreed to cut it almost in two.

Mr. GILLETT. And it is before us as $2,400, and that is what the gentleman has agreed to concede.

Mr. LIVINGSTON. The gentleman from North Carolina [Mr. WEBB] said $700, and you got up and said $2,400, and I have a right to say the conferees agreed to $1,800. [Laughter.] That is all there is in it. I know what the amendment is. I am not asleep.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. AUSTIN] two minutes.

Mr. AUSTIN. Mr. Speaker, I hope Members on this side of the Chamber will vote for the motion submitted by the gentlemen from North Carolina [Mr. WEBB]. Now, I know of my own personal knowledge that recently a large company has been organized and is now actively at work in the gold-mining business in North Carolina. It has purchased a large amount of valuable machinery and shipped it into that State, and has inaugurated an extensive mining operation. I hope that this assay office will be continued until we can go further into practical, up-to-date mining development of that region of the South.

I believe that with improved machinery gold mining can be made profitable in North Carolina, Georgia, and Tennessee, and I hope that the Republican side of this Chamber will not at this stage in the mineral development of the Southern States do anything to discourage, but, on the contrary, will do everything to encourage, the successful development of the resources of the Appalachian mining region.

This is a very small appropriation, and I trust that a Republican House will not take the responsibility of blotting out an institution that has been in operation almost a hundred years. Such an action will be construed as an act of unfriendliness on the part of a Republican Congress toward the South, and I hope we will not take that responsibility, but that we will go on record as sustaining the motion of the gentleman from North Carolina.

Now, there are lots of appropriations that, perhaps, are not needed in other branches and departments of this Government, and if you are going to inaugurate a system of cleaning out and cutting off I hope we can begin somewhere else than at Charlotte, N. C., on the comparatively small appropriation of $2,500. And if there is no other reason that will appeal to this side of the House, the fact that the State of North Carolina gave to the country and to this House the splendid man that occupies the position of Speaker of this House, should be sufficient. [Applause.]

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, as the gentleman from North Carolina has said, this is a small matter from a financial standpoint, and it might easily be disposed of if it were not for the fact that a question of even-handed justice is involved in the case. If the gentleman from North Carolina had made the eloquent speech which he delivered here this morning before the Committee on Appropriations, when the matter was up in that committee, and then had made it when it was up in the House originally, he might probably have played on the sympathies of the Democratic side with sufficient strength and I might have played upon the sympathies of the Republican side sufficiently to have saved both the Charlotte and St. Louis assay offices.

Mr. WEBB. May I interrupt the gentleman?

Mr. BARTHOLDT. No. I regret that I must decline. I have but five minutes.

When at the beginning of this session it became known that the Treasury Department had recommended the abolishment of these two assay offices in accordance with a plan of economy and reform, I appeared before the Committee on Appropriations and told them that the assay office at St. Louis should be continued in any event, no matter what might happen to others, first, for the reason that we are paying no rent, inasmuch as the assay office there is in a Government building; secondly, that our business there had increased 700 per cent during the last five years; and, thirdly, that the expense of assaying the gold would be just as much as, if not more than, it would be anywhere else if the assaying were not done at the St. Louis office. But in spite of these representations the committee came to the conclusion that the assay offices both at St. Louis and Charlotte should be abolished.

Mr. COWLES. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. COWLES. Will the gentleman from Missouri yield for just a suggestion?

Mr. BARTHOLDT. I will if I have the time at my disposal. I have a long story to tell.

Mr. COWLES. I remember hearing the gentleman from Missouri state that they paid no rent at the assay office at St. Louis. I want to say to the gentleman and to the House that the Government also owns the United States mint at Charlotte, and that we pay no rent there.

Mr. BARTHOLDT. That has been already stated. The two assay offices are on all fours, so far as that is concerned. But, Mr. Speaker, the friends of Charlotte slept on their rights when the Committee on Appropriations considered the matter, and they slept on their rights when the matter was up originally in the House; and not until a gentleman representing that State in the other House, a member of the conference committee on this bill, moved to insert Charlotte did they wake up and ask this House to reinsert Charlotte and leave St. Louis out. I say that would be unfair discrimination in favor of Charlotte and against the great city which I have the honor to represent on this floor.

Now, I would be in favor of either putting them both back or striking them both out. But you can not come here now and ask that Charlotte be inserted and St. Louis left out, when, as a matter of fact, St. Louis does three or four more times as much business as is done at Charlotte.

Mr. WEBB. Will the gentleman permit a suggestion?

Mr. BARTHOLDT. What is it?

Mr. WEBB. The gentleman charges me with not making a fight in favor of this proposition. I want to say that I was at home with a sick child, and that is why the fight was not made.

Mr. BARTHOLDT. I am not criticizing the gentleman from North Carolina, I am merely stating facts. I want this House to know that while the Representatives from North Carolina were silent I raised my voice before the committee as well as in the House in behalf of my city, and it would be a great injustice to me, as well as to the people of St. Louis, if, because of the action of the Senate, the larger of the two assay offices were abolished and the smaller continued. The parliamentary status of the matter is now such that St. Louis can not be inserted, and therefore to carry out the plans of the Treasury

officials, the amendment of the Senate in favor of Charlotte should be stricken from the bill.

Mr. GILLETT. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. COWLES].

Mr. COWLES. Mr. Speaker, I want to appeal to our friends on this side of the Chamber to not turn us down on this proposition because of the fact that St. Louis has not won out.

Mr. MANN. But they turned the gentleman down.

Mr. COWLES. That is true; yet, I hope our friends on this side of the Chamber will stand by us.

Mr. MANN. We should feel better about it if they had not unjustly turned down the gentleman from North Carolina.

Mr. COWLES. Well, I appreciate the compliment the gentleman from Illinois [Mr. MANN] thus pays me, and while I deplore the lack of good judgment displayed by them in turning me down, still I harbor no ill will against them for that, and hope my friends on this side will vote with me.

Mr. PADGETT. Mr. Speaker, in view of repeated insinuations and statements of hostility with Japan, I desire to insert in the RECORD the following statement:

[By Associated Press.]

TOKYO, *Wednesday, February 1 (mail correspondence).*

A meeting of Americans resident in Japan was held in Yokohama recently in the interest of international peace movements. A resolution designed to refute the reports that public sentiment in this country is hostile to the United States, was adopted as follows:

"*Resolved*, That in our opinion the people of Japan have at all times entertained the most friendly and cordial sentiments toward the Government and people of the United States, and that there has never been, and is not now, any feeling other than one of confidence and gratitude. We believe, upon evidence which can not be doubted, that there is not to be found in the Japanese Empire any wish or thought other than to maintain the most friendly and cordial relations with the Republic of the United States, and that any representations to the contrary, wherever emanating, and from whatever cause proceeding, are baseless calumnies which, if uncontradicted, can only result in vast material losses to the people of both Governments and in creating an unhappy prejudice between them."

Mr. GILLETT. Mr. Speaker, I hope the House will decide this not on the sympathy for St. Louis or North Carolina, but agree with the recommendation of the department for economy. If they do not, it will discourage all efforts in that line.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. WEBB) there were 115 ayes and 45 noes.

Mr. GILLETT. I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. All those in favor of taking the yeas and nays will rise and stand until counted. [After counting.] Twenty-four gentlemen have arisen, not a sufficient number.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to amend the motion by inserting "St. Louis."

Mr. GILLETT. I make the point of order that it is too late.

The SPEAKER. Objection is heard, the yeas and nays are refused, and the motion is agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 31856) making appropriations for the District of Columbia. I desire to say that the point raised on Saturday has been stricken from the bill, and the conferees of the two Houses have arrived at a full and free agreement. I ask unanimous consent that the reading of the conference report and statement be omitted. The statement was read on Saturday, and I suppose no gentleman will care to have it read again.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the report and statement may be omitted.

The statement of the managers on the part of the House is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations for the government of the District of Columbia for the fiscal year 1912 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, relating to the executive offices: Increase the salaries of the commissioners from $5,000 to $6,000 each; 1 stenographer and typewriter from $720 to $840; the purchasing officer from $2,500 to $2,750; 1 clerk from $1,200 to $1,300; 3 clerks from $600 each to $720 each; the inspector of buildings from $2,750 to $3,000; reimburses 2 elevator inspectors for maintenance of motor cycles at $15 per month each; and strikes out the proposed increase of salary of the storekeeper from $900 to $1,000.

On amendment No. 15: Extends to the employees of the District, other than those in the public-school system and police and fire departments, the same provisions of leave of absence as is provided for by law for employees of the executive departments.

On amendments Nos. 16 and 17: Increases the salary of the clerk and stenographer in charge of the force for care of the district building from $1,800 to $2,000.

On amendments Nos. 18 and 19: Provides for an additional clerk at $720 in the assessor's office.

On amendment No. 20: Provides for extra labor in the preparation of tax-sale certificates in the sum of $800, as proposed by the House.

On amendments Nos. 21, 22, 23, and 24, relating to the auditor's office: Makes a verbal correction in the text of the bill, and provides for an additional clerk at $1,000.

On amendments Nos. 25 and 26: Provides for an additional stenographer at $840 in the office of the corporation counsel.

On amendments Nos. 27, 28, and 29: Increases the salary of a clerk in the office of the superintendent of weights, measures, and markets from $1,000 to $1,200.

On amendments Nos. 30, 31, 32, 33, and 34, relating to the engineer commissioner's office: Strikes out the proposed increase in the salaries of the engineer of highways and the superintendent of sewers from $3,000 to $3,300 each; increases the salary of the chief clerk from $2,000 to $2,250; and of one clerk from $1,350 to $1,400.

On amendments Nos. 35 and 36: Appropriates $2,500 for a gasoline motor truck for the municipal architect's office.

On amendments Nos. 37, 38, and 39: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,300 each in the special-assessment office.

On amendments Nos. 40, 41, 42, and 43, relating to the office of the superintendent of insurance: Increases the salary of the examiner from $1,500 to $1,700; the statistician from $1,500 to $1,700; and of one clerk from $1,000 to $1,200.

On amendments Nos. 44 and 45: Increases the salary of an assistant computer from $825 to $900 in the surveyor's office.

On amendments Nos. 46, 47, 48, and 49, relating to the free public library: Strikes out the proposed increase in the salary of the assistant librarian from $1,500 to $1,600; provides for one additional assistant at $720, and for one additional cataloguer at $540.

On amendment No. 50: Appropriates $34,500, as proposed by the House, instead of $37,500, as proposed by the Senate, for contingent expenses of the government of the District of Columbia.

On amendment No. 51: Appropriates $10,000, instead of $9,000, as proposed by the Senate, for postage.

On amendments Nos. 52 and 53, relating to the coroner's office: Makes the appropriations available for the "purchase and maintenance of means of transportation," instead of "for livery of horses or horse hire," and inserts the provision, proposed by the Senate, relating to juries of inquest.

On amendment No. 54: Appropriates $500, as proposed by the Senate, for erection of historical tablets.

On amendment No. 55: Limits the use of the fees of the recorder of deeds for purchase of typewriters to those of the year 1911, instead of the years 1911 and 1912.

On amendment No. 56: Makes available during the fiscal year 1912 the appropriation of $10,000 made for the year 1910 for repair of buildings that may be injured by fire.

On amendment No. 57: Inserts the provision, proposed by the Senate, authorizing purchases without advertising for proposals in amounts not exceeding $25.

On amendment No. 58: Appropriates $500, as proposed by the Senate, for purchase of apparatus for the office of the inspector of asphalts and cements.

On amendment No. 59: Strikes out the appropriation, proposed by the Senate, of $3,000 for alterations in the repair shop.

On amendment No. 60: Appropriates $340,000, as proposed by the Senate, instead of $180,000, as proposed by the House, for assessment and permit work.

On amendment No. 61: Appropriates $10,000, as proposed by the Senate, for paving roadways under the permit system.

On amendments Nos. 62, 63, and 64: Appropriates $79,500, as proposed by the Senate, instead of $61,500, as proposed by the House, for work on streets and avenues.

On amendments Nos. 65, 66, and 67: Strikes out the appropriation of $27,000, proposed by the Senate, for removing granite block and repaving with asphalt Seventh Street from K Street to P Street; appropriates $14,000 for grading and improving

Seventeenth Street NW., as proposed by the Senate; and makes the appropriation of $8,000, proposed by the House, available, as proposed by the Senate, for connecting Belmont and Fifteenth Streets NW.

On amendments Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81: Appropriates $123,650, instead of $77,850 as proposed by the House and $161,600 as proposed by the Senate, for the construction of certain county roads and public streets, and provides that the appropriations in detail for such construction shall constitute one fund.

On amendment No. 82: Inserts the provision proposed by the Senate requiring the Anacostia & Potomac River Railroad Co. to remove and relocate certain of its tracks.

On amendments Nos. 83, 84, and 85: Strikes out the appropriations, proposed by the Senate, of $2,500 for replacing sidewalks on the east side of the White Lot, $1,500 for new sidewalks around the Patent Office, and $2,500 for replacing sidewalks around the old post-office building.

On amendments Nos. 86 and 87: Appropriates $140,000, as proposed by the Senate, instead of $130,000, as proposed by the House, for repairs of county roads.

On amendment No. 88: Appropriates $16,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for construction and repair of bridges.

On amendments Nos. 89 and 90: Appropriates $100,000, instead of $75,000, as proposed by the Senate, toward constructing a bridge across Rock Creek on the line of Q Street.

On amendments Nos. 91, 92, 93, and 94, relating to sewers: Appropriates $44,500, as proposed by the Senate, instead of $43,000, as proposed by the House, for the sewage pumping service, and makes the sum available for the maintenance of motor vehicles; appropriates $65,000, instead of $67,000 as proposed by the Senate and $60,000 as proposed by the House, for main and pipe sewers; and $130,000, instead of $161,000 as proposed by the Senate and $110,000 as proposed by the House, for suburban sewers.

On amendment No. 95: Appropriates $260,000, instead of $270,000 as proposed by the Senate and $250,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 96: Strikes out the provision, proposed by the House, which limits the cleaning of snow and ice only from sidewalks in front of public spaces.

On amendment No. 97: Appropriates $128,600 for a stable and storeroom for the street-cleaning department, as proposed by the Senate.

On amendments Nos. 98 and 99: Increases the salary of the watchman at the bathing beach from $450 to $480.

On amendments Nos. 100 and 101: Makes the appropriations for playgrounds immediately available and restores to the bill the requirements, proposed by the House, that the appropriation for salaries of persons connected with the playgrounds be paid wholly out of the revenues of the District.

On amendment No. 102: Appropriates $78,000, instead of $125,000, as proposed by the Senate, for the establishment of the interior park.

On amendments Nos. 103, 104, 105, and 106, relating to the electrical department: Increases the salary of the assistant electrical engineer from $1,800 to $2,000; strikes out the provision for one additional electrical inspector at $1,200; and appropriates $13,500, instead of $14,000, as proposed by the Senate, and $13,000, as proposed by the House, for general supplies.

On amendment No. 107: Inserts the provision, proposed by the House, instead of the one proposed by the Senate, to effect a settlement with the Potomac Electric Power Co. for services heretofore rendered.

On amendment No. 108: Appropriates $35,000, as proposed by the Senate, for the preservation and repair of Cabin John Bridge.

On amendment No. 109: Strikes out the provision, proposed by the Senate, authorizing a new highway plan for that portion of the District in the vicinity of Piney Branch parkway.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the public schools: Strikes out all of the changes, proposed by the Senate, with reference to teachers.

On amendments Nos. 119 and 120: Fixes the salary of the janitor for the Western High School at $900, as proposed by the Senate, instead of $1,000, as proposed by the House.

On amendment No. 121: Appropriates $23,500, instead of $25,000, as proposed by the Senate, and $22,000, as proposed by the House, for tools and machinery for instruction in manual training.

On amendment No. 122: Appropriates $15,000, as proposed by the Senate, instead of $14,550, as proposed by the House, for furniture for new school buildings.

On amendment No. 123: Strikes out the appropriation of $2,600, proposed by the Senate, for a motor delivery wagon for public school supplies.

On amendments Nos. 124, 125, 126, 127, and 128, relating to new school buildings: Appropriates $10,000 for grounds adjacent to the Fillmore School; $75,000 toward a normal school building for colored pupils, to cost not exceeding $200,000; $40,000 for a four-room building in the vicinity of the Burrville School; $54,000 for site and building in the twelfth division; and $60,000 for a site for a new M Street High School; and strikes out $24,000, proposed by the House, for an addition to the Deanwood School.

On amendments Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, relating to the Metropolitan police: Strikes out the provision for an additional inspector at $1,800; increases the pay of four surgeons from $600 to $720 each; provides for an additional lieutenant at $1,320, for one additional sargeant at $1,250, one additional private of class one at $900, and for allowance to one additional officer mounted at $260; provides for repairs of a motor patrol; and strikes out the provision, proposed by the Senate, authorizing the deposit to the credit of the police and firemen's relief fund the receipts from licenses other than liquor licenses in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said fund.

On amendments Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Strikes out the provision for an additional battalion chief engineer at $2,000; increases the salary of the superintendent of machinery from $1,800 to $2,000; strikes out the increase in salaries of 23 engineers and two marine engineers from $1,150 to $1,200 each; provides for an additional hostler at $600, and inserts the provision, proposed by the Senate, regulating leaves of absence to members of the fire department; strikes out the proposed increase from $15,000 to $16,000 for purchase of horses; appropriates $31,000, instead of $32,000 as proposed by the Senate, and $30,000 as proposed by the House for forage; strikes out the appropriation of $20,000, proposed by the Senate for a repair and storage building; and inserts a provision requiring a report as to the necessity for a high-pressure fire-service system.

On amendments Nos. 153, 154, 155, 156, and 157, relating to the health department: Increases the salary of the poundmaster from $1,200 to $1,500; inserts the provision, proposed by the Senate, requiring inspectors of dairies and dairy farms to act as inspectors of live stock; provides for the prevention of communicable diseases other than those specified in the law; increases the amount that may be expended for personal services from $10,000 to $15,000 out of the appropriation to prevent spread of contagious diseases; and appropriates $10,000 for a new pound.

On amendments Nos. 158, 159, and 160, relating to the juvenile court: Increases the salary of the judge from $3,000 to $3,600; and strikes out the provision for an additional bailiff, at $700.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the police court: Provides for a deputy financial clerk instead of a deputy clerk to be known as financial clerk, at $1,500; increases the salary of the janitor from $540 to $600; and appropriates $1,000, as proposed by the House, instead of $2,000 as proposed by the Senate, for repairs of the Police Court Building.

On amendments Nos. 166, 167, 168, and 169, relating to the municipal court: Provides for an additional assistant clerk, at $1,000, and increases the salary of the janitor from $480 to $600.

On amendment No. 170: Authorizes the employment of an alienist at $1,000 per annum in connection with the expenses of execution of writs of lunacy.

On amendment No. 171: Strikes out the provision, proposed by the Senate, authorizing purchases in open market.

On amendment No. 172: Appropriates $48,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for support of convicts.

On amendments Nos. 173 and 174: Increases the salaries of five laborers from $480 to $600 each in the courthouse.

On amendments Nos. 175, 176, 177, 178, and 179, relating to the court of appeals building: Strikes out the provision for a mechanician at $1,200 and an additional watchman at $600; provides for an additional laborer at $480; and appropriates $900 instead of $1,500, as proposed by the Senate, for miscellaneous expenses of the building.

On amendment No. 180: Appropriates $40,840, as proposed by the Senate, for maintenance of jail prisoners.

On amendment No. 181: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for miscellaneous expenses of the supreme court of the District.

On amendments Nos. 182 and 183: Increases the salary of the secretary of the Board of Charities from $3,000 to $3,500.

On amendments Nos. 184, 185, and 186: Increases the salary of the superintendent of nursing at the Washington Asylum and jail from $720 to $840.

On amendments Nos. 187 and 188: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for provisions and miscellaneous expenses for the Home for the Aged and Infirm.

On amendments Nos. 189, 190, and 191: Appropriates $500, as proposed by the House, for plans for an additional building, to cost not exceeding $40,000, for the Reform School for Girls.

On amendments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to medical charities: Appropriates $34,000, instead of $35,500, as proposed by the Senate, and $32,500, as proposed by the House, for the Freedmen's Hospital; appropriates $11,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for the Eastern Dispensary; $4,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for the George Washington University Hospital; provides for an assistant cook, at $360, increases the salary of the laundryman from $480 to $600, strikes out the proposed increase in the salary of the engineer from $720 to $900, and increases the salary of the farmer from $300 to $360, in the Tuberculosis Hospital, and strikes out the increase in the appropriation proposed by the Senate, from $1,000 to $1,500, for repairs and improvements to buildings and grounds for that institution.

On amendments Nos. 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211, relating to child-caring institutions: Strikes out the provision for an additional placing officer at $1,000 and the increase in the salary of an investigating clerk from $900 to $960 for the Board of Children's Guardians; increases the salary of two assistant caretakers from $300 to $360, and provides for a stableman at $300 for the Industrial Home for Colored Children; strikes out the increase from $6,000 to $7,500 for maintenance and from $250 to $450 for furniture and equipment for the institution.

On amendments Nos. 212 and 213: Inserts the provision proposed by the Senate authorizing the acceptance as a donation the property known as the Night Lodging House; and strikes out the appropriation of $5,000 proposed by the Senate for the Columbia Polytechnic Institute.

On amendment No. 214: Prohibits the use of any appropriation heretofore made, as well as of appropriations contained in the act for 1912, for a reformatory, asylum, or workhouse in Virginia or Maryland within 10 miles of Mount Vernon, except the one at Occoquan.

On amendments Nos. 215, 216, 217, and 218, relating to the workhouse at Occoquan: Appropriates $193,000 instead of $288,000, with $80,000 instead of $91,000 thereof immediately available, for maintenance and operation; and inserts the provision, proposed by the Senate, relative to the delivery to and custody of male and female prisoners in the institution.

On amendments Nos. 219, 220, 221, 222, 223, 224, 225, 226, 227, and 228, relating to the militia: Appropriates $48,000, instead of $49,000 as proposed by the Senate and $47,000 as proposed by the House, for expenses of camps; $2,250, as proposed by the Senate, for cleaning uniforms; $1,250, as proposed by the House, instead of $1,500, as proposed by the Senate, for expenses of target practice; and inserts provisions into the text of the appropriation for payment of troops, proposed by the Senate.

On amendment No. 229: Appropriates $100,000, as proposed by the Senate, toward the improvement of the Anacostia River Flats.

On amendment No. 230: Strikes out the appropriation of $210,000, proposed by the Senate, for the purchase of Carpenter (Pennsylvania Avenue) tract of land.

On amendment No. 231: Strikes out the proposed authorization of an appropriation of $300,000 for the acquisition of the land known as the Klingleford Valley.

On amendment No. 232: Authorizing the purchase and maintenance of a motor runabout for the water department.

On amendment No. 233: Authorizes the use of $70,000, as proposed by the Senate, instead of $65,000, as proposed by the House, for personal services in connection with the execution of public works in the District of Columbia.

On amendments Nos. 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, relating to public lighting: Authorizes rates of $15, as proposed by the Senate, instead of $14.50, as proposed by the House, for 40-candlepower incandescent lamps on overhead wires; $17.50, as proposed by the House, instead of $19, as proposed by the Senate, for 60-candlepower incandescent lamps on overhead wires; $80 instead of $85, as proposed by the Senate, and $72.50, as proposed by the House, for 528 and 550 watt series inclosed and multiple inclosed arc lamps; $72.50, as proposed by the House, instead of $75, as proposed by the Senate, for 320 watt magnetite or other arc lamps; requires replacing of certain electric lights by April 1, 1914, as proposed by the House, instead of 1915, as proposed by the Senate; fixes the limit of cost of lamp-posts and equipment at $60, as proposed by the House, instead of $50, as proposed by the Senate; authorizes a reduction of $6.60, as proposed by the House, instead of $4.40, as proposed by the Senate, from the price of electric arc lamps if the commissioners furnish the equipment therefor; provides that in the event the commissioners have to adopt forms of electric street lighting other than those provided for in the bill, a fair sum for the cost of maintenance may be allowed; prohibits public electric lighting by overhead wires within the existing fire limits of the District; makes certain necessary verbal corrections; and inserts a provision imposing a penalty of $25 per day for failure on the part of any gaslight or electric light company to furnish or discontinue any street lamp that the commissioners may direct.

WASHINGTON GARDNER,
EDWARD L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on part of the House.

Mr. COX of Indiana. Mr. Speaker——

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve the right to object. The only thing I desire is to raise some further points of order.

The SPEAKER. The gentleman reserves all points of order.

Mr. COX of Indiana. I want to reserve a point of order to amendment 95.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Michigan, to omit the reading of the report and statement.

Mr. JOHNSON of Kentucky. Is it proper for me to make my points of order?

The SPEAKER. It is.

Mr. JOHNSON of Kentucky. I desire to make a point of order to Senate amendments Nos. 102, 151, 157, 161, 207, and 218.

Mr. COX of Indiana. Mr. Speaker, I make a point of order to amendment 95 on the ground that the item inserted in the conference report was never in dispute between the two Houses, but was inserted as new legislation by the conferees. It is found on page 3561 of the RECORD.

Mr. JOHNSON of Kentucky. I make my points of order on the same ground.

The SPEAKER. The Chair will hear the gentleman from Indiana on the point of order.

Mr. COX of Indiana. Mr. Speaker, on page 3561 of the RECORD of Saturday I find the following:

> That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following:
>
> "*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

To that I make the point of order.

Mr. STAFFORD. Mr. Speaker, I raise the point of order that the point of order comes too late. This conference report was under consideration on Saturday last, and the point of order was reserved only as to one item.

Mr. BARTLETT of Georgia. Oh, the gentleman reserved all points of order.

The SPEAKER. The Chair can dispose of that by suggesting to the gentleman from Wisconsin that this conference report is to be considered without regard to the conference report made on a former occasion, and the gentleman from Indiana did reserve all points of order. The Chair thinks the gentleman is in time with his point of order.

Mr. COX of Indiana. Mr. Speaker, the item inserted in the conference report was never in dispute between the two Houses whatever. It was not in the bill at the time that it passed the House. It was not incorporated at the other end of the Capitol in the Senate, and the Senate amendment comes back here as legislation having its source in the conference committee.

Mr. GARDNER of Michigan. Mr. Speaker, I am sure the gentleman does not wish to mislead the House.

Mr. COX of Indiana. I do not.

Mr. GARDNER of Michigan. The gentleman from Virginia [Mr. CARLIN] raised the point of order on this item in the House, and it went out on a point of order that he made. It was in the bill when the bill was reported to the House. The Senate put it back in the bill in the Senate committee.

Mr. COX of Indiana. I am unable to find where it is incorporated in the bill by the Senate.

Mr. GARDNER of Michigan. If the gentleman will read the original bill he will find it there.

Mr. BURLESON. It is only fair to state that it went out in the Senate on a point of order raised by the Senator from Indiana.

Mr. FITZGERALD. Mr. Speaker, I understand the gentleman from Indiana [Mr. Cox] to state that this matter has been inserted by the conferees in the bill at a point in the text where there was nothing in dispute. The gentleman from Michigan states that this item was in the House bill, but it went out on a point of order; that the Senate committee put it in the bill in the Senate, and it went out there on a point of order. It was in the bill when it went to conference and never in disagreement. The conferees inserted the provision in the conference report. Of course, that is clearly beyond their power.

The SPEAKER. The Chair desires on this point of order to get at the exact matter covered by the point, and will direct the Clerk to read the proviso in the original bill.

The Clerk read as follows:

Provided, That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications, $250,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The SPEAKER. Was that matter in conference?

Mr. FITZGERALD. No; only the amount of that item was in conference.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to say to the gentlemen of the House that we do not question but what this is subject to a point of order. We do claim, without any division of sentiment in the committee, either in the House or the Senate, that it ought to be in the bill. It was in the House bill and was stricken out on a point of order raised by the gentleman from Virginia [Mr. CARLIN]. Just a few moments ago Mr. CARLIN came to me and said that he wanted to speak on this matter, but he had an engagement and had waited as long as he could. He said to me, in effect, that he desired to withdraw every particle of objection that he had to the item, and further stated that he believed it ought to be in the bill and that he authorized me to say that for him. Now, it went over to the Senate, and the Senate committee put it in the bill, and then, on a point of order raised by a Senator, it went out of the bill. Now, from as reputable authority, as I have the statement of the gentleman from Virginia, I can state that the Senator who objected said that he did not understand the matter or he would not have been in favor of striking it out and that he wished it might be retained. These statements coming to the conferees, we believed that we acted in harmony with the thought of the House—of both Houses—in leaving the matter in the bill, although we do say, and there is no disposition to say otherwise, that technically it is subject to a point of order.

But whether a technicality should stand for what we all believe to be for the best interest of the District is the question for the House to determine.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Assuredly.

Mr. COX of Indiana. I got the opinion some way, I believe while the bill was going through the House, that this work for cleaning and sweeping the streets was let out by contract to the highest bidder. Is that true?

Mr. GARDNER of Michigan. A part of it in this way, I may say to the gentleman. There has been for years, ever since I have been on this committee, for 10 years, more or less complaint every year at the way the street sweeping was done. They are now performing a good part of the work, and the commissioners have gradually increased the paraphernalia necessary to do the work under appropriations made for that purpose by the House; and they have now a very considerable amount of machinery that can be used for cleaning snow and ice, for cleaning the streets and flushing the streets, and a good deal of this, I am informed, will have to be housed and unused if this item stays out of the bill.

Mr. COX of Indiana. Will the gentleman yield in that connection? Is this true—I have seen it, if I mistake not, in a newspaper—that one of the Commissioners of the District, I believe Commissioner Johnston, I am not sure, bought without any authority of law or without any authority, a large number of street-cleaning apparatus? Is that true; and that it has never been put in use; and if that be true, is not that the very purpose of this amendment in the conference report to utilize that machinery?

Mr. GARDNER of Michigan. If there was any machinery bought without authority of law I am not aware of it. There was an item in the bill a year ago appropriating $8,000 for the purchase of machinery, open and aboveboard, known by everybody who was giving attention to the bill.

Mr. CARY. Will the gentleman permit me a question?

Mr. GARDNER of Michigan. Assuredly.

Mr. CARY. Is it not a fact that Mr. Johnston has ordered 16 machines for street cleaning purposes, and he has them now stored in a barn or a stable loft in the District here, and that 10 of them were charged against the street cleaning department, and 6, I believe, against snow and ice? I placed those charges before the President of the United States and the only answer I got is that they are not paid for yet. That is the only answer, "that they are not paid for yet." If he ordered them without authority and stored them over there, it seems to me this clause in the bill is to permit him now to make use of the appropriation by paying for the machines and have an excuse to say he was right about it when he bought the machines in the first place.

Mr. BENNET of New York. And if the gentleman will permit me, and also that we gave the money to pay for them.

Mr. CARY. Yes; that we gave him the money to pay for them.

Mr. HULL of Iowa. It seems to me the important thing is for this House to know whether they are really needed to be bought for the District.

Mr. CARY. They are not needed more than any other items.

The SPEAKER. Are there any further points of order? The Chair is informed that there are a number of precedents relating to this subject. The exact matter which was in difference between the two Houses was as to the amount of money that was to be appropriated for this service, and the point is made that the conferees can not change the text to which both Houses agreed. It is claimed that the text was not in conference, unless the amount of money controlled it, so as to make the agreement of the conferees germane. While it is a safe rule that the conferees can not change the text to which both Houses have agreed, yet if it were an original question, and it were safe to violate a rule of such manifest usefulness, the Chair would be inclined in this specific instance to overrule the point of order, because in each provision in the original bill, and in the provision in the conference report, it is provided that in certain contingencies this work may be done directly by the commissioners. In the precedents relating to this subject it is possible that the substance may sometimes have been sacrificed for the letter; but as the rule in its general application is safe, useful, and necessary, and as the gentleman from Michigan [Mr. GARDNER] confesses the point of order, the Chair is inclined, following the precedents, to sustain the point of order. Of course it is in the power of the House to dispose of the matter in any way it chooses.

Mr. GARDNER of Michigan. Then, Mr. Speaker, I move to suspend the rules and pass the conference report.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and agree to the report.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Michigan [Mr. GARDNER] is entitled to 20 minutes and the gentleman from Indiana [Mr. Cox] to 20 minutes.

Mr. COX of Indiana. I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I am opposed to this conference report as it now exists for two or three reasons. I still adhere to the original reason that I had, which is that it provides for this increase of the salaries of the Commissioners of the District of Columbia. I have been unable to believe that it is necessary for this Congress to increase these salaries, which seem already high, and yet refuse to help those who are lower down in the scale and those who need help. The hearings show that these blind people were given $5,000 10 years ago, and with that money they purchased machinery and purchased such supplies as were necessary so they might support themselves, and it was shown at that time there were

about 100 of them in the District that were supporting themselves and keeping away from charity, while on this report our conferees very willingly and anxiously agree to the amendment increasing the salary of the commissioners $1,000 a year and refuse to these people this little help in order that they may support themselves without calling on charity.

I hope that this House will vote down this conference report to-day and send it back again, and keep sending it back even up until 12 o'clock on the 4th day of March, unless we get justice in this report when it does come back to this House.

Mr. SIMS. How much is the appropriation?

Mr. FOSTER of Illinois. $5,000.

Mr. SIMS. This increase of salary is $3,000?

Mr. COX of Indiana. Yes.

Mr. SIMS. Maybe they can not take care of all the blind at one time.

Mr. COX of Indiana. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote against this motion, and for this reason: This report came before this House on the 20th of February, 1911, when, in order to get it into conference, it was necessary to have unanimous consent, at which time the gentleman from Michigan [Mr. GARDNER] made the following stipulation with the House:

Mr. FOSTER of Illinois. I desire to ask the gentleman if he is willing to permit a vote of the House on the increase of the salaries of the District Commissioners?

Mr. GARDNER of Michigan. The District officials?

Mr. FOSTER of Illinois. The increase of the salary of the District Commissioners.

Mr. GARDNER of Michigan. I think so; I would be willing for the House to vote——

Mr. FOSTER of Illinois. Without agreeing to it in conference.

Mr. GARDNER of Michigan. Personally I have no objection to the House voting on that.

And then he added some words stating his own personal belief why the increase ought to be made.

Mr. GARDNER of Michigan. Will you read those words?

Mr. BENNET of New York. Certainly. He said:

I want to say to the gentleman, to be entirely frank with him, personally I feel thoroughly convinced that it is the right thing to do. The increase ought to be made.

It was the gentleman's personal idea that a fair increase ought to be made. Of course, I understand that, going into a full and free conference, the gentleman could not make a binding promise, but I also know that in my six years of service here, wherever it has been necessary to get unanimous consent to go into conference and the House has given unanimous consent, the House conferees, as to the manner in which the question has been raised, have always come back to this House with the matter in disagreement and given the House a chance to vote.

Neither the gentleman from Michigan [Mr. GARDNER] nor myself can be affected one way or the other by this, because we will both go out on the 4th of March, but it seems to me that the unvarying practice of conferees, when they have gone as far as the gentleman from Michigan went in a statement, to bring that matter back in disagreement and allow the vote on it ought to be continued. There is no other way the House can get a vote except by voting down the entire conference report, and that, in the closing days of the session, particularly, is hard. I do not think the salary of these commissioners ought to be increased, but beyond that, I think when the conferees get unanimous consent by a statement to the House, in which the House has the right to believe, that if they go into conference they will bring the matter back into disagreement, at least once, that that is a higher matter, and much higher, than a paltry increase to the commissioners, and justifies any man to vote against the rule or a conference report, which I intend doing.

The SPEAKER. The time of the gentleman has expired.

Mr. COX of Indiana. Will the gentleman from Michigan use some more of his time?

Mr. GARDNER of Michigan. I yield five minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Speaker, addressing myself to the street-cleaning paragraph, which seems to be the subject in controversy, I desire to make just a short statement as to the necessity of this legislation at this time.

We have now a large portion of the city under direct District control, so far as street sweeping is concerned, and the bulk of the city is being cleaned under the direct authority of the commissioners. We have a private contract for what might be termed the "fringes" of the city. That contract will have expired before another appropriation bill can be drawn and passed. That contract is for five years. The law authorizing that contract provides that the contract shall be made for not to exceed five years. In order to get any competition at all, the commissioners would have to make a long-time contract, because the contractor could not afford to purchase and maintain equipments on a one-year or two-year contract.

Now, a year ago there was inserted in this appropriation bill, the District of Columbia appropriation bill, a provision providing for the expenditure of $8,000 for the purchase of street-sweeping machinery. Here is the language of it:

Provided further, That not exceeding $8,000 of this appropriation shall be available, when ordered in writing by the Commissioners of the District of Columbia, for the purchase of horse-propelled street-washing machines or other machines or apparatus for cleaning streets to be used in connection with hand-cleaning work performed under the immediate direction of said commissioners, and the expenditures on account of this service shall not be charged as a part of the cost of hand-cleaning work.

Under this authority I am informed that the commissioners have expended practically the entire amount of this appropriation in the purchase of street-cleaning apparatus. They are prepared, and will be prepared, if this paragraph becomes a law, to proceed thus economically and properly to use their investment and to clean the streets in a better manner, in my judgment, and in their judgment, than they are cleaned by the contractor.

Now, in order to give an illustration of what this means, I am going to call your attention to a statement made to me a few days ago in regard to these machines. These sweeping machines that are used by the street cleaners of the District cost about $200 or $205 each.

Mr. GARDNER of Michigan. I hope we may have attention in the House on the part of gentlemen who are objecting to those things.

Mr. COX of Indiana. I will state to the gentleman that we are discussing that matter over here.

Mr. GARDNER of Michigan. The gentlemen should listan.

Mr. TAYLOR of Ohio. I am perfectly willing, Mr. Speaker, that the gentlemen should not listen unless they desire, but in any event they should keep quiet.

Mr. CARY. Will the gentleman yield to me for a question?

Mr. TAYLOR of Ohio. Yes.

Mr. CARY. I want to inquire of the gentleman if that appropriation was not placed there by the Senate last year?

Mr. TAYLOR of Ohio. Yes; I will say to the gentleman that that is true.

Mr. CARY. Flushers and washing machines?

Mr. TAYLOR of Ohio. I said washing machines and other apparatus. I know what the gentleman wanted when he lent his assistance in getting this provision put on in the Senate. He was active in that matter because a constituent of his, in his district, is the only man in the United States who makes that particular kind of a washing machine that he hoped would be purchased. But the trouble with the gentleman seems to be that they, the commissioners, did not purchase all of that kind of machines, as was hoped by the gentleman's constituent.

Now, then, I want to make this statement to the House: Not long ago the commissioners had a desire to use one of the sweeping machines that was owned by the private contractor—desired to use it for a certain specific purpose, and as I am informed, and I have no doubt my information is correct, when they went to the contractor and asked that they be permitted to use one of these machines, he said, "It will cost you $18 a day to use that machine because that is my profit per machine under my contract." Think of it—$18 a day for the use of a machine costing $205! It seems to me it would be better if we should use our 16 machines and save that profit to the District and to the Nation.

Mr. COX of Indiana. Will the gentleman yield?

Mr. TAYLOR of Ohio. Yes.

Mr. COX of Indiana. I would like to ask the gentleman whether it is not a fact that when this item was before the House the last time the statement was made that the street cleaning here in the city of Washington is let out on contract?

Mr. TAYLOR of Ohio. A portion of it is let out on contract.

Mr. COX of Indiana. What proportion of it? Give us the proportion, approximately.

Mr. TAYLOR of Ohio. A great majority of the streets and avenues are now cleaned by the District Commissioners directly, and the rest, mostly in the outskirts, are cleaned by contract.

Mr. COX of Indiana. Then the gentleman will say that as much as 40 per cent is done by contract?

Mr. TAYLOR of Ohio. I will say that less than half is done by contract.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield to the gentleman three minutes more, Mr. Speaker.

Mr. TAYLOR of Ohio. Now, Mr. Speaker, in my short time I will say that Mr. CARLIN, of Virginia, made a point of order

against this provision in the House bill, but since that time some examination into the matter has been made by him, as I am informed, and he has authorized the statement that he not only does not desire that the item should go out, but he is anxious that it should go in, because he has investigated it. And I will say further that the Senator from Indiana [Mr. SHIVELY], who moved that the matter go out in the Senate, has since investigated the question, and he has given his consent that this should be put in by the conferees. The conference committee of the House has acted in good faith, and has made an earnest effort to see that the largest use possible of the machinery for the cleaning of the streets is made. I am sure that private interests, with reference to constituents in any man's district, should not intervene here when it comes to a question of expending the funds of the people of this District and the funds of the people of the country at large who pay one-half the expenses of this District. [Applause.]

Mr. COX of Indiana. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Michigan is entitled to one hour.

Mr. COX of Indiana. If agreeable, Mr. Speaker, we may perhaps come to some terms by which we can adjust this matter if the motion to suspend the rules be set aside and the House is given a chance to vote directly on the increase of salaries to the commissioners. So far as I am concerned, I would be disposed to withdraw the point of order.

Mr. COOPER of Wisconsin. When the matter was before the House the last time the House struck out an appropriation to establish a reformatory at a point near Mount Vernon.

Mr. BURLESON. Yes.

Mr. COOPER of Wisconsin. What is the meaning of this section, beginning on page 104, line 16, and running clear through to the bottom of page 108?

Mr. COX of Indiana. I am unable to answer the gentleman.

Mr. MANN. I want to say that with this arrangement which the gentleman suggests the gentleman from Michigan would have an hour to explain these items.

Mr. COOPER of Wisconsin. I would like to ask if it is not true that the language of lines 16, 17, and 18, on page 104, "for the following purposes in connection with the removal of the jail and workhouse prisoners from the District of Columbia to the site acquired for a workhouse in the State of Virginia"——

Mr. GARDNER of Michigan. That is not in question at all.

Mr. BURLESON. I think I can explain to the gentleman from Wisconsin. That is at Occoquan, and does not refer to the reformatory.

Mr. COOPER of Wisconsin. Occoquan?

Mr. GARDNER of Michigan. That is for the workhouse at Occoquan. The item the gentleman referred to was for a reformatory near there and not the workhouse.

Mr. COOPER of Wisconsin. Then this has nothing to do with the reformatory?

Mr. GARDNER of Michigan. No.

Mr. COOPER of Wisconsin. I understand, then, that under this bill no reformatory can be established within 10 miles of Mount Vernon?

Mr. GARDNER of Michigan, No.

Mr. COX of Indiana. Mr. Speaker, I think we can adjust this matter. If the gentleman will withdraw his motion to suspend the rules and agree to the conference report and give us a direct vote on the salaries of the commissioners——

Mr. MANN. There will have to be a direct vote on the conference report first. If you should reject the conference report, then you could get a vote on any specific amendment.

Mr. COX of Indiana. I do not like that way.

Mr. BURLESON. The motion to suspend the rules can be withdrawn and the point of order can be withdrawn, and then the gentleman from Illinois can make a motion to recommit with instructions that the salaries be reduced.

Mr. COX of Indiana. I suppose it could be done by unanimous consent.

Mr. MANN. But you must first dispose of the conference report. If you reject the conference report, you can give any reasons you want to. Then any amendment of the Senate is before the House for such disposition as the House sees fit to make of it.

Mr. SIMS. But the conference report is already rejected by the point of order being sustained.

Mr. MANN. I understand the proposition now is for the motion to suspend the rules to be withdrawn, the point of order to be withdrawn, so as to bring the conference report before the House, and discuss the questions that are really in issue instead of technical questions that nobody cares anything about.

Mr. SIMS. And by unanimous consent you attempt to set aside the action of the Chair.

Mr. MANN. To withdraw the point of order.

Mr. SIMS. But it has already been acted on, and you will have to set aside the action of the Chair.

Mr. BENNET of New York. Mr. Speaker, I shall object to any request such as is made by the gentleman from Illinois.

Mr. MANN. I beg the gentleman's pardon, but the gentleman from Illinois did not make the request; it was the gentleman from Indiana.

Mr. COX of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I am not going to attack this conference report as a whole. I do not intend to criticize gentlemen on the conference committee, but I am perplexed to know why the House conferees insisted on striking out the Senate amendment, which was the only good amendment to the bill. I refer to the Senate amendment appropriating $5,000 for the aid of the blind for the Polytechnic Institute. It does seem to me that if any class of American citizens could appeal to the generosity of Congress and to the intelligence of Members of this House, it would be those who are so unfortunate as not to be able to see the light of day. When the Senate amended this bill restoring an appropriation which has heretofore been carried, as I understand, of $5,000—and if it has not been heretofore carried, it ought to have been carried—why the House conferees insisted on striking it out is beyond my comprehension. Since this legislation has been initiated in the Senate, legislation founded in sympathy, justice, and wisdom, I am not in favor of sustaining any conference report that strikes it out. I believe it ought to remain in the bill. I believe those people, numbering about 100 unfortunates, who have been sustaining themselves with the aid of $5,000 from the Government, ought to be encouraged to continue to sustain themselves. They ought to be encouraged to put forth such efforts as people in their condition can reasonably put forth to protect themselves from becoming objects of charity. I regret very much that the House conferees struck that provision out of the bill, and because they did I shall vote against the adoption of the conference report. That is all I desire to say.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, ordinarily I am not in favor of legislating by way of appropriation bills, but if there ever was a time for so doing in the interest of District business that time is at hand.

I desire to say, in justice to my associates upon the District Committee, that, in my judgment, there is no committee in this House, no committee of the Sixty-first Congress, that has been more willing to convene and do business than has the Committee upon the District of Columbia. It has seemed to the chairman of that committee, especially during the last session, that it was not possible to call that committee together at any time of the day, in the forenoon or the afternoon, or even in the evening, when the committee was not willing to respond. As a result, this committee has reported about 60 bills which I hope will be enacted into law before this Congress concludes its labors. Beginning with about the middle of last May, the District Committee of the House, before whom some of the matters in this bill would naturally come, have been denied, as all know, the right that is due it under the rules of the House to present its legislation; and as a result, since the middle of last May this committee has had only one legislative day and three hours of another day. It has therefore been impossible to even dispose of the bills which the committee has reported and which are upon the calendar at this time. It is for this reason, in justification of myself and in justification of the other members of the committee who may feel as I do, that I have spoken as I have with reference to the business of the District.

There is another thing that I desire to call attention to, and that is this: On Saturday last, when this conference report was under consideration, the suggestion was made by some Member of the House that the legislation with reference to the asphalt plant was brought before the District Committee. That is a mistake.

The asphalt bill was never introduced, and it is due to the commissioners to say why. They recognize, as have Members of the District Committee for months, that it was useless to introduce such legislation, because the committee, even though it were willing to make a report on the legislation to the House, was continually denied the right under the rules to present its legislation to the House.

I am in favor of this legislation in the conference report for another reason. I am informed by one of the Commissioners of the District that this street-cleaning proposition will save the District $40,000 a year after the first year, and, as I understand it, this is the year when they let the contracts, and it is a

contract running over a period of five years. It does seem to me that the House ought to adopt this conference report. It is true there may be some things in it that are objectionable, but as I have said before, this is what I offer in justification of my position at this time in support of this conference report.

I want to say to the House that since I have been a Member of this committee I have had but one purpose, and that was to pass legislation in the interest of the people of the District, and by so doing in the interest of all the people, for this is the Capital City of our Nation. I hope this conference report will be adopted by more than a two-thirds vote. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I understand that the controversy here is over the compensation of the Commissioners of the District, and in order to afford the House an opportunity to pass on that I ask unanimous consent that all proceedings on the conference report be vacated, and that the conference report be disagreed to. That will leave the Senate amendments then to be considered by the House. It will save time and expedite business.

The SPEAKER. The Chair understands that the only thing at issue in fact is the salary of the commissioners.

Mr. FITZGERALD. As far as we can ascertain.

Mr. COX of Indiana. That is really the bone of contention.

The SPEAKER. Then will the gentleman modify his request, that all proceedings touching the consideration of the conference report be vacated, and that the conference report be rejected, and that all amendments of the Senate be disagreed to save the amendments specified, namely, touching the salaries of the commissioners, and that that be disposed of by a vote of the House?

Mr. GARDNER of Michigan. Mr. Speaker, by a majority vote?

The SPEAKER. Oh, certainly.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to say just a word.

Mr. BENNET of New York. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. BENNET of New York. Reserving the right to object——

Mr. SIMS. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry. Will this vacate the ruling of the Chair on the point of order on the report?

The SPEAKER. It vacates everything.

Mr. SIMS. So that it will not hereafter come up. Now, would the unanimous consent vacate——

The SPEAKER. It vacates all proceedings touching this conference report. It insists on its disagreement to all amendments of the Senate save the one, namely, touching the salary of the commissioners.

Mr. SIMS. I just did not want the Chair overruled on that point.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection. The only thing now before the House is the disposition of the amendment touching the salaries of the commissioners, and the Clerk will report the same.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. In this unanimous-consent agreement, which has just been entered into, what becomes of the amendment that the conferees reported and that the gentleman from Indiana made a point of order on?

The SPEAKER. The Chair overruled that point of order, but that now, by unanimous consent, is wiped out and the conference report is rejected, and the House by unanimous consent further insists on all its disagreements to all the Senate amendments except Senate amendment which is as follows. The Clerk will read.

The Clerk read as follows:

Page 2, line 4——

Mr. MANN. Mr. Speaker, I understand that part, but there will have to be another conference report, and I am trying to guard against the future if possible. The gentleman from Indiana stated awhile ago he would withdraw the point of order. Now——

Mr. MADDEN. He has.

Mr. MANN. Suppose they bring in another conference report that has the same thing in it. Then we would have to go through the same minutia again.

Mr. COX of Indiana. Mr. Speaker, I did make that statement, that if this agreement could be brought about so as to give the House a direct vote on the increase of the salaries of the commissioners, that as far as I was personally concerned I would withdraw the point of order which I waged a moment ago against amendment No. 95.

Mr. MANN. And probably would not renew it?

Mr. COX of Indiana. And I will say frankly I will not renew it in the future against amendment 95 if——

Mr. MANN. But some other gentleman might.

Mr. SIMS. Then bring in a report that is not subject to these points of order, and the gentleman will not have any trouble.

The SPEAKER. What motion does the gentleman submit?

Mr. GARDNER of Michigan. This motion has to do with the increase of the commissioners' salaries.

The SPEAKER. Does the gentleman move to recede from his disagreement to the amendment which the Clerk will report?

The Clerk read as follows:

Amendment numbered 1, page 2, line 4, strike out "five" and insert "six."

Mr. BURLESON. Amendments numbered 1, 2, and 3 are on the same subject.

The SPEAKER. The Chair understands that the unanimous consent goes to the amendments which involve the increase of the commissioners' salary.

Mr. BURLESON. That is correct.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment numbered 2, page 2, line 5, after "commissioners," insert "one thousand."

Amendment numbered 3, page 2, line 6, strike out "five" and insert "six."

The SPEAKER. Does the gentleman from Michigan submit a motion?

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in these Senate amendments.

Mr. GARDNER of Michigan. Mr. Chairman, no one likes to have his good faith or sincerity questioned on the floor of this House. The gentleman from New York [Mr. BENNET] has twice referred to a semiagreement to refer this to a vote. The other day a motion was made, not by myself, but by another, to suspend the rules and adopt the report. I am not now, nor have I been at any time, averse to submitting this motion to the House. I do feel that every Member of this body ought to vote for this amendment increasing the salaries of the commissioners to $6,000 a year. They earn it. For 30 years they have had $5,000. Originally it was fixed precisely on the basis of the congressional salary. Our salaries have been increased to $7,500, and we only ask $6,000 as a compromise.

Mr. SIMS. May I ask the gentleman a question?

Mr. GARDNER of Michigan. Yes, sir.

Mr. SIMS. Do these commissioners have to incur the necessary expenses of election and a campaign every two years as a Member of Congress does? Why compare them with us? There is no comparison between us?

Mr. GARDNER of Michigan. I will say to the gentleman that the most expensive part of my congressional career has been during my period of residence in this city and meeting the expenses that are made necessary in a moderate way for myself and my family. I have lived modestly all the time—and I am not ashamed to state it—and I never saved a dollar out of my salary at $5,000 a year when my family and myself were here. It has taken everything. What little we have saved we have saved since it was raised to $7,500 and when we have been at home studying and practicing economy there.

Mr. SIMS. Does the gentleman have no campaign expenses to meet every two years?

Mr. GARDNER of Michigan. These gentlemen live here 12 months in the year. They are compelled by virtue of their positions to maintain an establishment such as the gentleman from Tennessee [Mr. SIMS] nor I could not afford to maintain on the salary which we receive now. They owe something to this city of 300,000 people by virtue of their position. They are the official representatives of the entire city. They are visited by official representatives from other cities in every part of the country. They must of necessity show certain courtesies by virtue of the public position they occupy. These courtesies entail expense, and these expenses must be paid either out of their salary or out of their private income. I believe that the laborer is worthy of his hire, and that these gentlemen are entitled even to a moderate salary, enough, if we can make it so, to meet their individual expenses.

Mr. BUTLER. Will the gentleman yield?

Mr. GARDNER of Michigan. I will yield to the gentleman from Tennessee [Mr. SIMS] first.

Mr. SIMS. The gentleman says that the salaries of these commissioners was originally as much as ours. Does not the gentleman know and is he not aware of the fact that every Member of this House is compelled every two years to be sub-

jected to campaign expenses, more or less, in order to hold his position here, which expenses these commissioners under no circumstances have to pay?

Mr. GARDNER of Michigan. That is true. Some gentlemen have to spend, I am told, in a single campaign more than they get in the two years for which they are elected, which is an unfortunate thing if it is true, but that does not justify the gentleman's statement.

Mr. SIMS. I know; but is it not a fact that there are expenses that are legitimate and unavoidable connected with every campaign where a man has political opposition or opposition in his own party for nomination which these commissioners do not have to incur?

Mr. GARDNER of Michigan. Granting that, they have many other expenses which are an offset, and more, too, to those which would arise out of campaign expenses properly conducted.

Mr. SIMS. Does not the gentleman think that the dignity of his office here is as great as that of a commissioner? And does not the gentleman have to spend money on account of his office in Washington that he otherwise would not have to spend?

Mr. GARDNER of Michigan. Undoubtedly.

Mr. SIMS. I do not see that we have any advantage of them in the way of expenditure by residence in Washington.

Mr. BUTLER. Do the duties of the commissioners require their constant attention?

Mr. GARDNER of Michigan. Every hour in the day. No three men in this District work harder than the District Commissioners.

Mr. BUTLER. They have no opportunity, then, to do any other work except the work involved in that office?

Mr. GARDNER of Michigan. I am glad the gentleman raised that question. The chairman of the board of commissioners, and I have this on authority, after a few days in the office, ceased to take his lunch out, and now takes it in the office, and goes there in the morning and stays there until night constantly on duty. He ordered his private desk in his place of business to be wrapped up and to be put in a loft until he gets through as commissioner. He has absolutely abandoned his private business.

Mr. OLMSTED. So as to be on duty all the year?

Mr. GARDNER of Michigan. Yes.

Mr. BUTLER. One of the commissioners has abandoned a business of long standing here?

Mr. GARDNER of Michigan. Yes.

Mr. BUTLER. He has been compelled to abandon his private business?

Mr. GARDNER of Michigan. Yes; he has been compelled to abandon his personal attention to it.

Mr. GOULDEN. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. GOULDEN. I will say to the gentleman that we pay to our gas commissioners and tax commissioners and electrical commissioners $7,500 a year. And let me make another statement in answer to the statement of my friend from Tennessee, that the State of New York limits the campaign expenses of each Member of Congress to $4,000 at each election, and he is pledged to make a sworn statement to that effect, and can not exceed it without danger of having his office vacated.

Mr. GARDNER of Michigan. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, we passed the conference report this morning on the legislative appropriation bill, which had added to it after it left this House $106,000 in increase of salaries. We now have under consideration a conference report which carries increases of salaries after it left this House and came back here to the amount of $54,000, making a total in these two bills in the increase of salaries of $160,000. I desire to say that most of these increases have been in salaries that were already large; not in the small salaries of men who are getting $1,000 or less a year. but in the salaries of those who are already getting the larger salaries from this Government.

Now, then, we are asked to recede and agree to an amendment placed in this bill increasing the salaries of the Commissioners of the District of Columbia from $5,000 to $6,000. The law provides that these salaries shall be at $5,000. Before these salaries are increased in this way there ought to be some legislation taken up by the District Committee, increasing, if it is necessary, these salaries and doing it in a regular and orderly way.

Mr. SIMS. Will the gentleman yield a moment?

Mr. FOSTER of Illinois. Yes.

Mr. SIMS. I would like to state a fact to the gentleman to help him out. It is this: When the last vacancy occurred, when Mr. Rudolph was appointed, very many good men in the District were anxious to get this position of District Commissioner.

Mr. FOSTER of Illinois. Yes. I will say to the gentleman that there has been no difficulty whatever in securing the services of good men, and those who come in always exceed, in the value of the services rendered, those who preceded them; and so far as the qualifications of these men who now hold these important offices are concerned, we have to-day the best men that are to be found anywhere for $5,000 a year.

I think this House ought to fully understand this question—whether we want to go on and increase and increase these salaries which are already high, and yet stand here refusing to increase the salaries of the clerks in the departments, who are getting the small salaries. [Applause.]

Mr. Speaker, I ask unanimous consent to place in the RECORD a table showing these increases.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert a table of the increases. Is there objection? [After a pause.] The Chair hears none.

The table referred to follows:

District of Columbia.

Departments.	Salaries.		Other items.		New items, expenses, other items.	New items in salaries.
	Senate increase.	Senate decrease.	Increase.	Decrease.		
Contingent expenses	$10,295	$7,400	$4,750		$3,500	$10,800
Improvement and repairs			209,500		467,800	
Streets	30		20,000			
Washington Aqueduct					35,000	
Public schools	70,000	62,400	89,000		201,600	
Police department			3,000		20,000	600
Health department	300				10,000	
Emergency fund			1,000		42,340	
Charities and corrections	2,100		9,700	$95,000	5,000	720
Water department					210,000	
Electrical department	1,400		1,000			
Metropolitan police	18,520					
Fire department	3,450					
Courts	2,580		1,000			
Courts and prisons	1,800		2,000			1,800
Sewers			59,500			
Militia, District of Columbia			2,500			
Total	110,475	69,800	352,950	95,000	995,240	13,920

Total increase, Senate amendments, $1,307,785.
Total increase, Senate, salaries, $54,595.
Total increase, Senate, other items, $1,253,190.

Mr. GARDNER of Michigan. Now, Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, in opposing the motion made by the gentleman from Michigan, I wish to assure the House that it is no personal matter with me. I am unacquainted with any of these commissioners. So far as I know they are able, brave, and fearless men. But I am opposed to the constant and everlasting increase of the salaries of Government officials, especially, Mr. Speaker, of men who are already getting a reasonable salary. It does not appeal to me at all to say that men occupying a certain position in life have great responsibilities thrown upon them and for that reason they should have their salaries increased. I know, as I have said on this floor time and time again, of no law upon the statute books of the United States or upon the statute books of the different States of the Union that compels a man to accept and hold an office. The moment he finds it to be a losing game, so far as the law is concerned, he becomes free to exercise his own free will as he sees fit, and if he is in office solely for the purpose of making money out of it and is losing money at the game, my advice to him would be to abandon it, vacate, and quit. [Applause.]

The argument that the great city of New York pays some of their subordinate officials the enormous salary of $75,000 a year does not appeal to me. Washington City has not a Wall Street in it, nor have the great cities of the country Wall Streets in them. The great city of Indianapolis, the center of the United States, pays its mayor $4,000 a year. He has been drawing that salary to my knowledge for the last 15 or 20 years, and yet, as every election comes around in the city of Indianapolis there is a tremendous struggle to secure the office of mayor.

I have heard the argument advanced here time and time again as to increasing the salaries of these officials because they have such great responsibilities resting upon them; "they must entertain society," and for these reasons a tremendous expense is entailed upon them. I want to say to the Members of this House that the charwomen that clean the public buildings of Washington likewise have society that they must enter-

tain, and yet few and far between do we ever hear a word said in behalf of that older class of public officials in an attempt to get their salaries increased. [Applause.]

As the gentleman from Illinois has well said, this bill went to the other end of the Capitol, and in the way of increase of salaries alone more than $50,000 was added to it. I challenge the statement that no man can read these amendments in the way of increase of salaries added at the other end of the Capitol, that you will find invariably that the increase goes to some man who is already well paid. I quite agree with the gentleman from Michigan that the laborer is worthy of his hire. They have been hired for this job for the last 25 or 30 years at a salary of $5,000. If it has been sufficient, lo, these many years, what has come over us to-day that will justify us in increasing the salaries now? What new conditions have arisen in the last days of this Congress to justify us in increasing the salaries of these public officials?

This conference report has been before the House on two occasions, and the bone of contention is our failure to get a direct vote upon the increased salaries of these officials. I believe in all sincerity that they are paid well enough, and I hope when the vote is taken that the motion made by the gentleman from Michigan will not obtain. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 45 minutes of the hour.

Mr. GARDNER of Michigan. I will yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I doubt if ever before in my service here I have spoken against the increase of any salary, but when I find that it is proposed to raise the salaries of the men who perform the duties equivalent to the duties performed by the mayor of the city of New York to a sum $3,000 higher than is given for the execution of those duties in our rich city, it seems to me that the House ought to pay some attention to the increase.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. TAYLOR of Ohio. Does the gentleman know that the executive branch of the District government costs about one-third as much as that of any other city of its size in the United States?

Mr. BENNET of New York. If that is so it is a matter of congratulation.

Mr. FORNES. Does not the city of New York pay for the work equivalent to that performed by the Commissioners of the District of Columbia as much as $75,000 a year?

Mr. BENNET of New York. No, sir.

Mr. FORNES. If you take the salary of the comptroller and the president of the various boroughs, I think you will find that it adds up, in the aggregate, to that amount.

Mr. BENNET of New York. There are, in addition to the commissioners here, various appropriations for executive officers, but the commissioners are equivalent to the mayor, and it is proposed to raise their salary, in the aggregate, to $18,000.

Mr. HULL of Iowa. Does your mayor inspect the sewers?

Mr. BENNET of New York. He makes some report upon them.

Mr. HULL of Iowa. Does he inspect the schools?

Mr. BENNET of New York. He makes, as I say, some report on them. During his term of service Mayor Gaynor has reported on such matters.

Mr. HULL of Iowa. He is the executive head, and these commissioners are both the executive head and have other duties to perform.

Mr. BENNET of New York. There are inspectors to do that work.

Mr. TAYLOR of Ohio. Does the mayor of New York have to do anything that requires an engineer's education?

Mr. BENNET of New York. He has to have very considerable engineering qualities in order to get elected.

Mr. TAYLOR of Ohio. That is true, and that is the kind of quality that the engineering commissioner of the District does not have, but he is an engineer of great ability and does oversee all of the engineering work of the city.

Mr. BENNET of New York. And the mayor of the city of New York, of course, has to spend considerable money to be elected.

Mr. MOORE of Pennsylvania. In order to be fair, is it not true that the work in the great city of New York is subdivided and turned over to bureau chiefs whose salaries would be in excess of those paid the Commissioners of the District of Columbia?

Mr. BENNET of New York. So it is here. There are bureau chiefs and inspectors, and I want to say to the gentleman from Philadelphia, also a great city, that this particular matter of increasing the salaries of these commissioners was introduced into this House in the regular way, in a bill referred in the regular way to the Committee on the District of Columbia, of which committee he is a member, and I want to ask him whether his Committee on the District of Columbia has reported in favor of increasing the salaries of these commissioners?

Mr. MOORE of Pennsylvania. I can only speak for myself, and I would say that I was entirely in favor of increasing these salaries on the basis of merit.

Mr. BENNET of New York. But the committee has not done it.

Mr. MOORE of Pennsylvania. I want to ask another question. In the city of Philadelphia, which the gentleman concedes is a great city, we have five departments under the mayor, the mayor receiving $12,000 a year and these department directors receiving $10,000 a year. Under these department heads are the chiefs of bureaus, to whom the work of engineering or of a special character is distributed, and very few of them receive less than five or six thousand dollars a year. I was wondering whether when the gentleman spoke of Washington being the equivalent of his great city of New York, the greatest in this country, with a population in excess of 4,000,000 people, he was not rather overstating his comparison in referring to a city the size of which in population is not greater, perhaps, than that of the congressional district represented by the gentleman.

Mr. BENNET of New York. The gentleman did not catch my comparison. I said that the office held by the three commissioners was equivalent to the mayoralty of the city of New York, not that the work done by them was equivalent to that done by the executive department of the city of New York.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield the gentleman three minutes more.

Mr. MOORE of Pennsylvania. Just one more question. Is it not a fact that the Commissioners of the District of Columbia do very largely this specialized bureau work that is assigned in the large cities to separate branches of the government?

Mr. BENNET of New York. Mr. Speaker, a conclusive answer to the gentleman is this: If the Committee on the District of Columbia, of which he is a member and which has the charge of legislation increasing the salaries of these commissioners, think they ought to have a larger salary, let them report out the bill. Do not let them get it on an appropriation bill without a hearing, without going before the proper committee, without going before a committee where we can ask them about their work in connection with the snow removal, which has been criticized——

Mr. MOORE of Pennsylvania. The gentleman knows that sundry efforts have been made to get these bills before the House, and that those efforts have failed.

Mr. BUTLER. But why have not you reported the bill?

Mr. BENNET of New York. And, furthermore, where we could ask them in connection with such things as the letter of the Attorney General of the United States, who wrote to Mr. Wendell that the smoke ordinance, which is of importance to the health of the city, was not being enforced, and that the District Commissioners ought to be prodded up. On top of their failure to remove the snow, on top of the charges in connection with taxation, without a word of explanation, these men come before us and ask for an increase of $1,000 a piece. What reason is given except that it costs them a good deal more to live? Let them live on less, then, unless they are willing to go before the proper committee of Congress and give an explanation of why they ask this increase in salary.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the government of the District in Washington is unique. There may be in other cities of the country smaller in size a similar form of government under the commission form of government, but there is no city, to my knowledge, of the size of Washington that has the present form of commission government. It is not necessary for me to direct the attention of this body to the fact that in no city of the country have the administrators of the government been vested with as large control over its administration and particularly over legislation as here in Washington. The commissioners are not only the administrative branch of the government, but they largely take the place of the legislative branch, which enacts the legislation that is necessary for the government of this District.

Any Member who is acquainted with the District legislation which comes before this body knows that most of the legislation, if not all, is first submitted to the District Commission-

ers, and upon their visé it passes through this Chamber. Instance has been directed by the gentleman from Pennsylvania to salaries paid to department chiefs in Philadelphia, where, under the Bullitt law, the old form of government was changed, and instead of a common council, in vogue in many cities, performing administrative duties, those administrative duties and responsibilities were vested upon five executive heads at salaries of $10,000 each. It may be true that we can get men at less salaries, but the question is whether these men who are now filling the offices here are capable men of the value of $6,000. No suggestion of any wrongdoing or incapacity or inattention to duties has been made in regard to the present commissioners. It is admitted that under the commission form of government now existing here in Washington we have one of the best governments that can be found anywhere. One of these commissioners—the engineer commissioner—is acknowledged to be a man of ability in his special line. It was my pleasure when he was district engineer in Milwaukee to have frequent meetings with him concerning the engineering work at Milwaukee. It has been universally acclaimed since his coming here two years ago that he has made good, and Maj. Judson, as well as the other commissioners, with whom I am not acquainted, I believe are entitled to receive $6,000, so that they may be honored in a slight way for the excellent work that they are doing for this Government. During this session of Congress and in prior sessions I have scanned in my leisure moments the legislation that has been reported, and I wish to say the recommendations of the present commissioners are much superior to those who have gone before.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. STAFFORD. For a short question.

Mr. JOHNSON of South Carolina. Is the engineer commissioner of the District of Columbia an Army officer?

Mr. STAFFORD. He is.

Mr. JOHNSON of South Carolina. Is he a graduate of West Point?

Mr. STAFFORD. He is.

Mr. JOHNSON of South Carolina. He has been educated then by the people of the United States for the public service?

Mr. STAFFORD. He has.

Mr. JOHNSON of South Carolina. And draws his pay to which his rank entitles to him?

Mr. STAFFORD. Yes; I concede all that, but he is located here in the city of Washington where his expenses are much greater and where he is performing every minute of the day a great work. We have also Army engineers engaged in the same character of work down on the Canal Zone who are being paid $17,000, ten or twelve thousand dollars in excess of their pay under the Army, and yet the gentleman himself would not say, although they are in the regular corps of the Army, that they should not receive additional pay for the additional responsibility cast upon them. This District Engineer is performing more work, added work, and I do not think the gentleman himself will contend for a moment that this District Engineer Commissioner is not a man who has not made in every way an exemplary record which would entitle him, as well as these other commissioners, to the increase of $1,000.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN.]

Mr. MADDEN. Mr. Speaker and gentlemen, the position of District Commissioner is a position of great honor, and there is not a man in the District of Columbia that is not anxious to secure the appointment. And the honor alone is sufficient to induce any man to occupy the place, and to seek it, and there is always a scramble for appointment to these places.

The District Commissioners are not called upon to do all this detail work that has been described. They have several assistant commissioners, and these assistant commissioners are the men who understand the details of the work of governing the District. And I want to say to you from personal knowledge that when information is sought to be obtained about what is to be done, and how to be done, and when to be done, and where, the assistant commissioners are the men who possess the information upon which action can be taken.

We have bureau chiefs in the District similar to bureau chiefs in every great city government in the country. We have a superintendent of police, who has jurisdiction over the police department; we have a chief of the fire department, who controls the action of that great body; we have a commissioner of health, who is charged with the responsibility of looking after the sanitary conditions of the District; we have a superintendent of sewers, who looks after the construction of sewers; we have a man in charge of the extension of the water system of the District; we have a superintendent of buildings, whose duty it is to see that the buildings are erected in accordance with the laws of the District. We have inspectors in every branch of the city government, charged with the responsibility of seeing that the details of the work are properly carried forward. We have a corporation counsel charged with the responsibility of seeing that things are done in accordance with the law. We have a city architect who is charged with the responsibility of seeing that plans for public buildings are drawn in the way in which they should be drawn. We have a man, in fact, who is supposed to be an expert, in charge of every bureau of the government of the District of Columbia, and the Commissioners are not overloaded with the work which comes to them by reason of their appointment to this office.

Mr. GOULDEN. Will the gentleman yield to one question?

Mr. MADDEN. Certainly.

Mr. GOULDEN. Who is responsible for all these bureau chiefs, superintendents, and commissioners? Who are held accountable for them?

Mr. MADDEN. The commissioners have the power to appoint these men, and I regret it. I regret that the appointment to every place within the jurisdiction of the commissioners is made as the result of political pull instead of as the result of merit, found by examination; and no such increase of salaries would be reported from the other end of this Capitol were it not for the fact that every man whose salary is to be increased is upon the pay roll on account of political pull. That is the difficulty.

As a matter of course, if the commissioners are good to people who want places and do, as the result of these appointments, increase the expenses of the city government, why, it is the most natural thing on earth that recommendations should be made for an increase of the salaries of the men who are good to the people who want the places.

I served on the Committee on Appropriations for four years, and on the subcommittee in charge of this bill, and I never voted for an increase of any man's salary or for an increase of any place which did not appeal to me as necessary for the proper conduct of the government of the District of Columbia. These commissioners could afford, because of the prominence and honor which is conferred upon them by reason of their appointment, to serve free of cost, and they would be glad to do it. The mere fact that they would be called upon by reason of their appointment to do social work is no reason for an increase in their salaries. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MOORE of Pennsylvania. The gentleman speaks of the social distinction and honor attached to the position of Commissioner of the District of Columbia——

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. Is not the position of Member of Congress an honorable place?

Mr. MADDEN. I hope it is.

All the men who occupy these great places as commissioners are rich, and they are appointed because of the influence that is exerted by the rich people of the District, not because of any special qualification which they have for the performance of the duties which come under their charge as Commissioners of the District, and I hope we will not vote to increase their salaries. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, I heartily favor increasing the salaries of the District Commissioners. It is true, as has been suggested by the gentleman from Illinois [Mr. MADDEN] that two of the commissioners are wealthy men——

Mr. MADDEN. Surely they are——

Mr. BURLESON. But the other commissioner, the engineer commissioner, if he is a man of wealth it is news to me, and I am quite sure it will be news to him, if such information is brought to him.

Mr. Speaker, it is only fair to state that the movement for an increase of these salaries did not originate with the District Commissioners. These gentlemen did not come before the Committee on Appropriations requesting this increase. The matter was brought to our attention by the taxpayers of the District of Columbia, who will pay one-half of the increase if same is granted. Representatives from the two great commercial organizations of this city—the board of trade and the chamber of commerce—consisting of the largest taxpayers in the city, came before the subcommittee having charge of the preparation of this bill and urged that these salaries be increased to $7,500 per annum.

Mr. FISH. Will the gentleman give way for a moment?

Mr. BURLESON. Certainly.

Mr. FISH. I would like to ask the gentlemen why those taxpayers did not come before the proper committee when this question was up before the District Committee?

Mr. BURLESON. I think they did come before the proper committee. They came before the only committee from which they thought they could secure relief. I do not want to be diverted from the issue before the House to a discussion of the failure on the part of the District Committee to act in this matter. We all know that the District Committee has been able to secure action on but few bills at this session of Congress. The citizens of the District of Columbia knew the situation here as we know it, and, consequently, desiring that something be done, they brought the matter before the Committee on Appropriations. But, Mr. Speaker,,all this has no bearing upon the issue under discussion.

I want to call attention to the fact that the salary of the District Commissioners was fixed in 1879 at $5,000. At that time this was a city of 177,000 inhabitants. At that time the annual expenditures of this city amounted approximately to $3,200,000. Since that time the city has increased to a city of 350,000 inhabitants, and its expenditures have increased to over $12,000,000 for each fiscal year. The responsibility for the expenditure of this vast sum of money rests upon the shoulders of the three men appointed by the President of the United States as District Commissioners, and I challenge any Member of this House to name any officer of this Government who is called upon to expend and who is made responsible for the expenditure of $12,000,000 a year who is paid so small a salary as is paid to these District Commissioners.

The gentleman from Illinois [Mr. MADDEN] says they are given assistant commissioners to aid them. If there is any such office as "assistant commissioner" in this District government I have never heard of it. They are given subordinates, just as subordinate officials are found in the government of every other city of the United States, but I venture to say that there are fewer subordinates of the higher class in the government of the District of Columbia than in the government of any other city of like size in the United States.

Mr. MADDEN. Will the gentleman yield?

Mr. BURLESON. Yes.

Mr. MADDEN. Does not the gentleman from Texas know that they have two assistant engineer commissioners, Army officers?

Mr. BURLESON. Oh, yes; there is no question about that. We have two assistant engineers. They are assistant engineers rather than assistant commissioners, and they are called "engineer commissioners" only because they are employed under the engineer commissioner's department.

Mr. Speaker, I do not hesitate to say that the city of Washington, in the conduct of its municipal affairs, is as free from graft and corruption and enjoys as economical administration of its affairs as any city in the United States, and no little credit for this is due to the character of men who now hold and have held the office of commissioner. I would be only too glad to institute a comparison between the administration of municipal affairs in the city of New York, or the city of Philadelphia, or the city of Indianapolis with that of the city of Washington. I venture the assertion that if we could get at the actual cost of administration of the city of New York we would find that the amounts paid there for administration are out of all proportion to what is being paid to the District Commissioners.

I will venture the assertion that if we could get at the cost of the executive department of the city of Philadelphia we would find that that city expends $10 for every $1 that is expended for the same purpose in the city of Washington. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Speaker, I want to say what I said at the time the bill was before the House in Committee of the Whole—that the committee, after careful investigation of the merits of this salary increase, were in favor of it and believed it just to appropriate for it. As my colleague from Texas [Mr. BURLESON] has said, this salary was fixed at $5,000 in the year 1879, at which time Congressmen then received the same salary. But I do not want to present this case upon the basis that because we have raised our own salaries we ought to raise these. My earnest desire is to fix the compensation for public servants commensurate with the services performed, and $6,000 to the Commissioners of the District of Columbia, it seems to me, is not too large a salary for the services that they perform for the District government and the people.

Now, Mr. Speaker, remarks have been made by the gentleman from Illinois and others intimating that two of the commissioners are men of means. I am informed that they are guilty of this most heinous offense, and have accumulated some money for themselves by honorable and legal means. But do we want to leave the salary one that will make the office acceptable only by men of means? Are we to consider a man's private means when considering his public service to the people? Many Members of this House, and a good many Members of the United States Senate, who regularly step up to the Sergeant at Arms' desk and draw $7,500 in salary, do it regardless of their private means.

Now, Mr. Speaker, speaking of one commissioner who is so fortunate as to be poor, the Engineer Commissioner of the District, let me tell you what we are paying him now out of the revenues of the District: One hundred dollars per year, and the General Government pays him another $100 because his salary and allowance as major in the Engineer Corps bring his income up to about $4,800 of the $5,000 salary allowed by law. Therefore we are only increasing his salary for the extra services that he is performing as commissioner and engineer to a sum total of $1,200.

I want to call attention to one other fact, and that is that this man earns his salary two or three times a year in the splendid engineering work which he is bringing to a final fruition under his jurisdiction. There are two other engineers under assignment, both able engineers, one of them Maj. Cosby, some eight or nine years Maj. Judson's junior, who is Superintendent of Public Buildings and Grounds attached to the White House, and he has a salary allowed by law of $6,000 per year, $1,000 more than Maj. Judson receives, without, I am sure, the same responsibility. There is another major still more years his junior, Maj. Cavanaugh, attached to the Rivers Board by special assignment under a special act of Congress, and he receives during his time of assignment a salary larger than that of Maj. Cosby. Therefore we are not doing an unusual thing in giving a man, even if he be an Army officer and a ward of the Government in his youth, a little extra money for performing for people of the District and the people of the country at large such splendid services a small compensation in the sum of $1,200 more than he would be allowed if detailed to regular work as an engineer officer of the Army, without the tremendous responsibility that he has as commissioner of this District.

Mr. MANN. Will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. MANN. Is it not a fact that, in the case of Maj. Judson or any other officer of equal rank, it is a financial loss to him to be engineer commissioner of the District?

Mr. TAYLOR of Ohio. The gentleman is entirely correct, and I was coming to that. I know that Maj. Judson, while a soldier, could not do other than to assume the duties assigned to him by the President of the United States, very much regretted that he was called upon to come here, solely on account of the financial loss and the added expense in which he would be involved, without any added compensation therefor.

Mr. GARDNER of Michigan. I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, a few years ago President Roosevelt appointed Mr. Reynolds to make a study for a proper government here, and Mr. Reynolds reported a scheme of government under which you would have a governor or mayor or one head with a lot of subordinates. That head was to get $10,000 a year, and that proposition was fought tooth and toenail by the District Commissioners and by the people here generally without one word about the salaries not being sufficient then, and they showed and claimed, and I think satisfactorily so, that they had the best service that any city had in the United States and were paying less for it. Now, when Mr. Roosevelt proposed to change this form of government why were not these gentlemen then in favor of it, by which a governor or a mayor would receive $10,000 a year.

Then, there is another thing. Nobody pays any tax in this city on personal property—intangible. Bonds, stocks, money by the millions go untaxed. Put this on if you want to, and put a personal tax on these untaxed millions that men have made in other States, and who have come here to live to avoid paying taxes in performing their duties as good citizens in those States where they made this money. Increase your taxable resources by putting the intangible property on the list, and then increase your salaries and pay the increase out of the District revenue and nobody will kick; but as long as you are going to make the people of the United States pay one-half of that increase, I say you, as representatives of the people, had better not too lightly increase the salaries of people of the city where there is not a dollar of taxes paid upon bonds and stocks and money.

GUAM AND PORTO RICO.

Mr. GARDNER of Michigan. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by Commodore George L. Dyer, United States Navy (retired), before the late Mohawk conference on the subject of Guam, and a similar address on the same occasion by Representative PARSONS, of New York, on the subject of Porto Rico.

Mr. SPEAKER. Is there objection?

There was no objection.

The addresses referred to are as follows:

[Sixth session, Friday evening, Oct. 21, 1910.]

The CHAIRMAN. Our first address of this evening will be that of Commodore George L. Dyer, of the United States Navy, formerly governor of Guam, who will speak on conditions in that island.

GUAM.

(Address of Commodore George L. Dyer, United States Navy, retired.)

In the discussion of the subject of "Our Dependent Peoples," the very interesting population of Guam, in the Mariana Islands of the western Pacific, and of Tutuila, in the Samoan Islands of the southern Pacific, should not be omitted. Owing to my association with the former I am able to speak of it with a degree of authority. Of Tutuila I know nothing from personal experience. Both depend on the Navy Department for administrative control and both are of service to it as coaling stations of limited development. Some of the problems which American administrators have to deal with in the Philippines are found, in a minor degree, in Guam. The difficulties of their solution, however, are mitigated and their number few. Guam has a homogeneous people, not at all inclined to turbulence. Its small area, comparatively, prevents any attempt, even if desired, to make combinations against established authority. The amusing tale will be remembered of its capture, in 1898, by the cruiser *Charleston*, then on her way to Manila to the assistance of Admiral Dewey. The Spanish governor sent his aide to express His Excellency's regret that, for lack of powder, he was unable to return the American's salute, ignorant that war had been declared, and thinking that the shooting of the *Charleston*, at various apparently fortified points in the harbor, was intended for the honors to the Spanish flag.

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GEOGRAPHICAL POSITION.

Guam, discovered by Magellan, is the largest and southernmost of the Mariana Islands, which, with the Bonin Islands, form a chain for 1,300 miles south of Japan. The name "Ladrones" (Thieves), usually given to these islands by American and English cartographers, is not used by continental peoples, and is very distasteful to the islanders. The title Marianas has been officially adopted for all Government publications.

In all that general region of the Pacific, Guam is the sole island possessing the combination of a good harbor and a plentiful supply of potable water at all seasons. Others have one or the other, but not both. It is a central station for ocean cables from the United States, via Honolulu; from Japan; from China, via the Philippines; and from Java, via the Celebes, and Yap in the Pellew Group, 500 miles southwest of Guam. It has a Federal wireless equipment and is also the advanced meteorological station for the very efficient Philippine weather bureau. Owing to its distance from the United States—5,600 miles—its commercial isolation and its political insignificance, little attention is shown to Guam. Much ignorance prevails concerning it among people of very considerable general information. Interest will be livelier when it falls into the hands of the powerful nation nearest to it. In explaining its location I have found it useful to ask my auditors to consider the North Pacific as an ellipse with the Hawaiian Islands at the eastern focus and Guam at the western. Honolulu is 2,200 miles west of San Francisco and Guam is 2,100 miles east of China, the Philippine Islands intervening. Guam is in the same latitude as Jamaica, 13 degrees north, to which, in some respects, it is similar. Our island contains 214 square miles, is 32 miles long, and between 6 and 7 miles wide. Its surface is broken, the northern part being a high plateau, the southern a series of hills, of which the highest is 1,300 feet. In this portion numerous small rivers flow through narrow valleys of great fertility, with hill slopes covered with valuable hardwoods. The tableland before referred to, heavily wooded in some places, is the principal farming section, although the native ranches are scattered throughout the island. Most of the timber lands belong to the United States. Mr. Pinchot was entirely favorable to the request, made during my time, for a dendrological survey. An attempt was also made to enlist the interest of the Geological Survey, traces of minerals having been found in various places.

PEOPLE.

The original population of Malayo-Polynesian has been greatly modified by Caucasion and Filipino blood introduced by American and English whalers, Spanish and American sailors and soldiers, Filipino convicts, Mexican cowboys, and waifs of other nationalities. The result is the Chamorro people of to-day, a sturdy, well-developed, prolific, and fine-looking race, in number about 12,000, with a birth rate which, since the American occupation, has been steadily increasing. They live in nine towns, each of which, except Agana, contains about 500 people. Agana, the capital, contains 8,000. They are all farmers; the officials, the traders, the mechanics, all of whom form but a small class, having their farms also. Each family is self-sustaining. If a native wishes to build a house he gradually collects the materials and then summons his relatives and friends to assist. Each family has its beast of burden—carabao, bullock, or cow—and a two-wheeled cart for the means of transport between town and ranch. According to the remoteness of the farm they fix the number of their visits to town during the week. Saturday always finds them there for the Sunday church services. On Mondays the whole population is up for early mass at 4 o'clock, and off to the ranches before 7. These customs are not allowed to conflict with the school regulations, and families often suffer, willingly, serious inconvenience on this account.

A more universally contented and independent people can scarcely be found. The conditions of their lives are most simple; there is no real poverty. Differences in social advantages are insignificant. Each family has a town and country home; existence goes on with little friction. They are devout and practical Roman Catholics, a gentle, subordinate, cheerful, and lovable race. Hanging over them, however, is the dreadful menace of the earthquake and the hurricane, both of which have scourged them often and both of which will surely come again.

LANGUAGE.

Their language is usually classed as Micronesian. It has a large infusion of Spanish words, much corrupted in pronunciation. The well-to-do class speaks Spanish with fluency, while the poorer class understands it but little. Since the present system of schools was established the native children have gained a very considerable practical knowledge of English, so that the diffusion of that language is now much more general than the Spanish ever was.

ADMINISTRATIVE ORGANIZATION.

For administrative purposes the island is divided into four counties, each represented by a resident native commissioner, appointed by the governor. His powers are confined to police jurisdiction, with authority to try, as justice of the peace, a certain class of criminal cases of minor gravity. The more important cases are tried in the island court, also presided over by a native judge, who sits in Agana. Appeals lie to this court from the justices' courts, and in certain cases from the island court to the court of appeals of the island. The island court is the same as existed under Spanish domination, under the title of court of first instance, and is similar in jurisdiction to the present courts of that name in the Philippines. The court of appeals, as at present constituted, is a creation of my own. Under the Spanish, appeals from the court of first instance in Guam lay to the audiencia in Manila, Guam then belonging to the political division of the Filipinas.

With the entire independence of Guam, under the United States, and in the absence of all regulation by law of Congress, the earlier American governors constituted a supreme court to consist of the governor himself. The time had come and the material was available to form a court of natives, five in all, with an Americanized Spaniard (living permanently in the island and married to a native) as chief justice. This has now been in successful operation for about six years. The people of Guam are not litigiously inclined, and there are few cases which fall outside the justices' court. Crimes of violence are rare. There have been two, possibly three, trials for murder in the last seven years. The ill-defined boundaries of property are the cause of occasional differences, which are usually adjusted without difficulty by the governor. The Spanish law prevails, modified by the decrees, not numerous, of the several governors. Congress has never legislated for Guam, except to include in the appropriation bills certain items for the naval station. The President, in 1899, issued a short Executive order covering the customs tariff for the island, and in 1901 another defining the accountability for insular funds. The last law regulating the tariff between the Philippine Islands and the United States included Guam. These are the only legal restraints emanating from the Government on the action of the island administrator. Neither has the Navy Department issued special regulations to limit or control or advise his course. He is bound to observe the naval regulations, but, as a matter of fact, he is the most independent official I know of and possesses practically the power of a benevolent despot over an absolutely helpless people. I am happy to say, however, that the choice of the Navy Department for governors has usually fallen upon men of elevated purposes and intelligence, each of whom in turn has carried along the work with industry, devotion, and success.

In addition to the judges the other native officials are the island attorney, who is also the prosecuting officer, registrar of lands, deeds, and titles, and the custodian of the commercial register; the island treasurer and assistants; the clerk of the courts; the warden of the jail, who is also the county commissioner of Agana County. The naval surgeons are the sanitary inspectors. The commissioner of schools is an American, as is the collector of customs. The school-teachers are both Americans and natives of both sexes. The island officials and all public improvements not made for the efficiency of the naval station as such are paid from the revenues of the island.

REVENUES.

These revenues come from customs duties, licenses, fines, permits, a poll tax, and a land tax. For the purpose all lands are assessed yearly by a board of intelligent natives, whose assessments have given satisfaction to the taxpayers. It was a question whether the imposition of this tax, an American innovation, was an advisable measure. There is a tendency among the natives to abandon their farms and congregate in the towns, depending on Government employment for support. It is the effort of each governor to counteract this, and the land tax, or a portion of it, is often remitted partly on this account.

PRODUCTIONS.

The principal item of export is copra, the dried pulp of the cocoanuts. This is bought up by the Japanese traders, who, until recently, have enjoyed the entire transportation business of the island and consequently have fixed the price in merchandise at the lowest figure which would keep the industry alive. Within two years the Government transports, touching at the island monthly on the outward trip, have been carrying freight for private individuals at reasonable rates. This has reduced the prices of necessaries and affected the price to the natives of copra. Some timber in trimmed logs is exported to Japan, whither all the copra goes, but the amount of the former is insignificant. The natives raise about everything they eat—corn, rice, beans, sugar cane, coffee, cocoa, tobacco, and all the tropical fruits, with the exception of the alligator pear. This exception, also true at that time of the Philippines, as far as my inquiries went, seemed so extraordinary that I endeavored unsuccessfully to discover the reason. Seeds were early secured from Honolulu and the resulting trees are now bearing. To the frequenter of the Tropics the absence of the avocado (alligator pear) is a serious deprivation.

The cultivation of rice was not so extensive as it should have been, large areas suitable for it having been gradually abandoned, necessitating an increase in the quantity imported. It was hoped that the rebuilding of bridges long since destroyed and the extension of good roads into localities favorable to rice cultivation would stimulate its production, and such, I believe, is the case.

There is a small herd of cattle in the island which provides a limited supply of meat, sold twice a week at Agana at a market belonging to the island. The regulations imposed to restrict the depletion of the herd of beef cattle are carefully observed, also the sanitary conditions connected with the slaughter. In addition to the beef cattle there is a large number of carabao, or water buffalo. These are the real working animals. They are occasionally slaughtered for meat, which is very tough. Hogs, goats, and chickens abound, but no sheep. There are a few scrub ponies. Bees have been successfully introduced quite recently.

Strangely enough, no natives follow the pursuit of deep-water fishing, and yet they are very fond of sea food.

At low tide a few men and women wade about the reefs catching shellfish and small fry in the pools and crevices for their own use. As an industry, however, fishing does not exist. To supply the market and to teach the natives, 8 or 10 Japanese fishermen were introduced, with their boats and tackle, and certain inducements offered the natives to engage in the business. Contrary to my hope, however, the Japanese devoted themselves entirely to catching turtles, which, indeed, found ready sale and added a valuable food product. The coast of the island does not offer convenient places for the harboring and launching of boats, although there are a few such. This does not account, however, for the scarcity of native boats. The devotion of the entire population, practically, to bucolic pursuits is one reason, but hardly sufficient to explain why these Pacific Islanders are so little given to aquatic adventure.

The preceding refers entirely to the food products enjoyed by the natives. Some milk is peddled about Agana and, of course, the usual tropical wild food products—breadfruit, banana, guava, mango, etc., are plentiful. In addition to island contributions the American colony has the advantage of supplies brought in the refrigerators of the transports. These are placed at once in the large cold-storage rooms of the naval station ice plant, at the cost of the owner, and distributed during the month intervening before the arrival of the following transport. All the delicacies of the San Francisco market are available at prices not unduly raised by high rates of carriage.

THE AMERICAN COLONY.

This consists of the governor—a naval officer of rank, who is also commandant of the naval station—his aide, and several officers who represent the various bureaus of the Navy Department. There are four or five medical officers, several clerks, hospital atttendants, a printer, a plumber, machinists, carpenters, foremen of public works, officers of Marines and their detachment of 100 men, the naval station band, the officers and crew of the station ship, and the cable station staff of 8 or 10 employees. All these, with the families of many, form a usually harmonious society, in which social distinctions are not too carefully drawn and which is sure to contain a diversity of talent sufficient to afford a pretty constant entertainment.

The foreign colony, for intimate social purposes, numbers about 30 people. On general occasions the superior native families participate, and the younger women especially, with their gentle manners and attractive appearance, add a very charming feature, for, be it known, "Butterick's Fashions," the English publication "The Queen," and others similar are common in Guam, and every family possesses a sewing machine.

THE CURRENCY.

We had our troubles with the currency. The first difficulties incident to the reorganization of the island government, then the destruction wrought by an unusually violent hurricane, followed, a year or two after, by a record earthquake, occupied fully the attention of the first American governors in instituting order and in starting the usual activities of life. When I came along the normal course of affairs had been fully reestablished. It was a favorable moment to turn attention to matters of general progress. There were at this time three kinds of currency in use—the United States currency, paid out to the officers and enlisted force, and put in circulation by them; the Mexican dollar, in general use, paid out for labor in connection with the naval station; and the old Spanish-Philippine currency, also in general use, and paid out, with the Mexicans, by the island government for labor and supplies. The two last named has been demonetized in the Philippines and the Spanish-Philippine coin possessed in the outside world only its bullion value. We found that the Japanese traders were buying it up somewhere, presumably in the Philippines, and shipping it to Guam, via Japan, and using it to pay their customs dues. At the same time they were exporting American silver and Mexicans as rapidly as they could accumulate them. The bad money in the island treasury was rapidly increasing and the good disappearing.

It required a radical and arbitrary measure to stop that, and a moment was carefully chosen (when, to the best of our information, the least damage would be inflicted) to interdict the use of the Philippine currency in any transaction in which the island government was interested, such as receipts for customs, payment for salaries, labor, and supplies. This was effective without serious harm to any. There were some cases of loss where there had been hoarding, but as the Spanish-Philippine currency continued in circulation among the traders for some time without a very rapid depreciation no distress occurred. I would have liked to have done the same with the Mexican currency. This has been done since, but it was then in general circulation throughout the East. The "Mexican," while about the size of the American dollar, had only half its value. The natives would not willingly accept as an equivalent for his labor a piece of money half the size of his customary coin, or one of similar size in place of the two he had been used to receiving. The moment to continue the process of simplification was not propitious.

In this connection we were watching with much interest the movement in the Philippines for the establishment of agricultural banks, following the plan of Lord Cromer in Egypt. With a longer tenure of office a bank would have been attempted, but there were so many things requiring immediate attention, with the limited staff of competent assistants at our disposal, it was not possible. It should be done. The exactions of the usurers are great, and the native farmer can hardly be expected to rise above the level which this disability, with others, imposes. A postal savings department in the Federal post office in Guam will be of benefit.

PUBLIC IMPROVEMENTS.

The Spaniards had constructed a very good road from the harbor 6 miles to Agana, the capital. This the Americans have vastly improved, making necessary fills, deeper cuts, strong cemented stone retaining walls, and better bridges. The road, nearly level throughout, runs along the coast very close to the shore, skirting promontories where feasible, or cutting through them. Deposits of clay mixed with lime, called "cascajo," exist everywhere, and this, laid on a proper foundation, affords a very excellent road material. As a consequence the highways, which are 16 feet wide, are quite equal to the best roads anywhere. Their extension has been going on steadily since the American occupation, and they now reach to remote parts of the island. This has required the construction of numerous bridges and, in the southern part of the island, rather formidable fills. The road mender system prevalent in Europe was inaugurated, a man to a section permanently at work. The anchorage in the harbor is very deep and ships are forced to lie at a long distance from the landing by reason of a shelf of coral sand and rock which forms a sort of rim about the harbor, varying in width, covered to a depth of about 3 feet at high water. This shelf has pockets or wells in it here and there, between which a rough sort of channel had been cleared to allow boats of light draft to pass across at half tide. It was very evident that a channel available for lighters at all stages of the tide was a necessity. This was undertaken immediately. We had a very rough equipment to start with—a scoop road scraper attached to a hemp rope hauled toward an anchored scow by a hand winch fixed upon it, and later a power winch and wire rope. With the occasional use of dynamite, a force of 20 natives, under Chief Carpenter Johnson, of the Navy, who worked in the water with them, keeping them steadily at it, part of the time at night, in just one year made a channel 50 feet wide about 1 mile long, and 4 feet deep at low water. We were then certain of our frozen supplies, particularly the meat, which, in prechannel days, under the tropical sun, had been several times detained in shallow places on the way from the transports to the shore, until rendered unfit for consumption. This channel has since been made deeper and kept clear by a regular modern suction dredge sent out at my earnest solicitation, followed up by that of my successors.

Another improvement of great value was the placing of buoys to mark the entrance to, and the submerged dangers in, the harbor, and particularly the mooring buoys, each fastened to a bridle of very heavy chain attached to three enormous anchors spread out triangularly. The transports were safer during their short stay in the harbor, after these buoys were placed, as it has an unfortunate reputation during the hurricane season among seafaring men. For lack of mooring buoys, one United States ship, the *Yosemite*, had been lost there and the cable ship *Scotia* totally wrecked at the mouth of the harbor for want of proper entrance buoys—both since the American occupation.

Many other improvements of less importance were commenced and have since been completed, but the greater of all measures were those for the amelioration and conservation of the public health and the establishment, on a permanent basis, of the public schools.

SANITATION.

Most of the people live in Agana, where about 8,000 are congregated. This is located on a nearly flat shelf near the ocean, having a height of about 7 feet above high-water level. The Agana River, a small stream, flows through the town with sufficient current to be saved from pollution, and this is used by the natives indiscriminately for every conceivable purpose except drinking. Its ultimate effect is undoubtedly beneficial, for all the town washing is done there and it affords a public bath much frequented. The drinking water is drawn from surface wells, 7 or 8 feet deep at most, which are numerous all over the town site, and which have been infested for generations with the germs of the lumbricoid worm. It is surprising that the Chamorros have survived this pest, for it is present in their bodies all through their lives, probably without exception, in such quantities as to stagger belief. The Americans do not escape it entirely. By using the distilled water at their service and keeping careful watch on the preparation of their food, they are usually immune. This has been both an indirect and a direct menace to the efficiency of the naval station. The attention of the American governors, therefore, was early devoted to the introduction of pure water. A careful examination of the sources available was made by an expert, who selected a hill stream near the town of Agana, and, after an instrumental survey, made an estimate in detail for an impounding dam reservoir, distributing pipes, and hydrants for an efficient service, costing $50,000. After several years of earnest effort on the part of successive governors, the appropriation was finally secured from Congress, and the present governor, Capt. E. J. Dorn, United States Navy, wrote me by the last mail that he had had the supreme satisfaction of turning on the water from the completed system, thus inaugurating the physical regeneration of a small nation.

With the disappearance of the lumbricoid worm and the construction of an already planned tuberculosis camp in the hills, other diseases from which the natives suffer will either disappear or be sensibly modified.

The lepers were early segregated and have been carefully watched and studied, everything being done to ameliorate their pitiful lot. And within the last few years the same course has been pursued with the victims of gangosa, a terrible disease which seems peculiar to Guam. In this the upper part of the face is destroyed by slow ulceration. The naval medical officers have made great progress in the successful treatment of this. They have demonstrated practically that it is a condition resulting from inherited disease introduced originally by the western foreigner. Recent advices from the island are that segregation for gangosa has been discontinued. And here I would like to say that to the untiring efforts of the naval surgeons, their unselfish devotion, and their high professional skill both natives and governors owe a debt of gratitude indeed.

The lack of pure water, the principal factor in a campaign for sanitation, did not deter us from making efforts in other directions possible of attainment. The entire population was vaccinated and measures taken to insure a constant supply of fresh virus and an effective rounding up and treatment of nonvaccinated individuals. This had never been done. The hospital for enlisted men, which included a ward for native men, inaugurated by a former governor, was enlarged, put in thorough repair, and a well-equipped operating room added. Through the efforts of my wife a hospital was established for women and children. For the first time in the history of the island, after about 300 years of Christian occupation, there was provided a suitable place for their medical treatment outside of their crowded and unsanitary homes. This was urgently needed. At the universal request of the natives it was called the Susana Hospital, Susana being the Spanish equivalent for Mrs. Dyer's Christian name.

The women are shy and reserved. It is difficult to get them to speak of their ailments and almost impossible to make them follow medical advice. It was obvious that in any far-reaching scheme for health improvement their interest and cooperation must be secured. The only way to do this was to establish a hospital for their sole use where they could be sent, forcibly if necessary, and where a class of native nurses could be trained. These could go among their sisters, secure their confidence, teach them the importance of cleanliness as it affected their health and that of their families, and finally work a change in their attitude toward medical attention. This would have been impossible of accomplishment but for Mrs. Norman McLean, wife of Surg. McLean, of the Navy, herself a trained urse, who undertook the task of instructing a class of native girls. A Women's Hospital Aid Association was formed, composed entirely of native women, whose duty it was to seek out subjects for medical aid, to induce them to apply voluntarily at the hospital for treatment, and to see that their children and homes were cared for during their absence; also to report cases urgently requiring attention when they refused to present themselves or to notify the proper authority of their condition. The hospital fees were fixed at a low figure and an attempt made to graduate them according to the means of the patient, which it was the office of the Woman's Aid Asso-

ciation to determine. There are but few people in the island abjectly poor.

As an adjunct to the hospital a dispensary and pharmacy has since been equipped, where wounds and sores are dressed and medicines sold. This was well attended from the outset and has been a useful factor in overcoming the native woman's prejudices, as up to this time there had been only men attendants available. The pharmacy has also contributed to the maintenance of the hospital. I am happy to say that this establishing a woman's hospital has entirely justified the hopes of its founder. It has accomplished more than was anticipated. Since her return to the United States Mrs. Dyer has succeeded in inducing Mrs. Russell Sage to endow this hospital with a handsome sum, which, with other funds collected by Mrs. Dyer, is administered by the Sage Foundation.

THE SCHOOLS.

Previous to 1904 it had not been feasible to inaugurate any system of schools. It did not seem possible to continue in that course, and an effort was begun at once to get them on a permanent basis.

To supply a corps of teachers every woman in the American colony not having absorbing duties at home, was drafted into service, including my two daughters and a young lady guest. With alacrity and admirable devotion they responded and helped largely to make the effort successful. Several soldiers from the Marine detachment and a number of native men and women who had already acquired a fairly good knowledge of English made up the necessary complement. From a pedogogical standpoint but few of the teachers were well equipped. The double negative was very prominent in their instruction, but they made up in intelligence, earnestness, and industry for lapses of grammar, which were, after all, immaterial. What was needed by the natives was the power to express themselves in and to understand English, enabling them to form a bond of comprehension between themselves and the Americans. It has always seemed to me that most of the trouble in the world began with the building of the Tower of Babel.

The governor then issued a decree making attendance at school compulsory for all boys between the ages of 7 and 13 and all girls between the ages of 7 and 12. A small fine was imposed on parents or guardians for the absence of pupils without reasonable excuse. The use of the cable brought us quickly a supply of necessary textbooks The active interest of the children and their relatives, with that of the teachers, helped in the starting of what seemed at first a rather impracticable undertaking.

My naval associates have often smiled at my selection of a Navy boatswain for superintendent of public instruction, but for that place there could have been no better, and I have never ceased to be grateful that the services of Chief Boatswain Brooks happened to be available at that particular juncture. In a very short time the schools were running efficiently in all parts of the island, and the 2,000 children of school age were attending with a regularity that could scarcely be secured elsewhere. Personal cleanliness and order were insisted on from the beginning, lavatories for each sex were built near each schoolhouse, in which during school hours were stationed a man and a woman. Every child on entering the schoolhouse was inspected by a teacher and, if not clean in person, was sent to the lavatory and thoroughly scrubbed. If the clothes were soiled or rent the children were sent home for attention. Immediately after roll call and inspection each day the children needing medical advice were sent to the hospital and the truant officer started after the absentees. Within a short time those responsible for the delinquents were before the justice of the peace and subjected to a fine if their excuses were insufficient. This was most effective. Few absences occurred after the people learned what to expect, and the scholars came to school scrupulously neat. Best of all the native community appreciated and supported the measures taken for the children's welfare.

From this beginning developed the normal school, to which were sent the advanced and intelligent compulsory scholars and the volunteers beyond the school age. This school has since fulfilled to some extent its purpose of supplying native English-speaking teachers.

An agricultural class of 29 boys was started under an experienced instructor—a very intelligent and highly educated German who drifted into Guam most opportunely, and who has since assisted materially in the development of the island. In the absence of a regularly equipped manual-training school, which we had no money to establish, lads were placed as apprentices in the hospital, the printing office, the blacksmith's, the plumber's, and the carpenter's shops, the machine shop and the ice plant. Night schools for the older people were well attended.

Perhaps the most satisfactory progress of all was in the branch of music. Singing was taught in the public schools and a party of boys, numbering 28 at first and afterwards increased, was selected as a class in instrumental music, one of the most competent musicians in the naval station band being detailed as instructor. The formation of this band constituted an epoch in the history of Guam. The religious ceremonies which are the principal factors for happiness as well as excitement in the lives of this isolated folk are now completed by music furnished by their own people. Previously they had none for these occasions. Those of them who had visited the Philippine Islands and noted the prominence of bands during the religious *fiestas* lamented the absence in Guam of this significant feature. It may be said, without exaggeration, that the establishment of the Chamorro Band has been to the natives one of the most gratifying results of the American occupation. The conception of this band had a greater significance than appears on the surface. The natives have astonishingly few amusements. General instruction of the population in instrumental music will add a wholesome and profound pleasure to their lives. The apprentice bandsmen were destined to go among their fellows in the outlying towns all through the island and promote the cause of instrumental music.

AGRICULTURAL EXPERIMENT STATION.

With limited resources and a keen sense of its importance we started an experimental farm to give the natives a practical example in the use of labor-saving tools and modern methods of cultivation and to stimulate them to increase the variety of their food products. Satisfactory and profitable relations were established with the various bureaus of the United States Department of Agriculture, with the department of agriculture in the Philippine Islands, and with the various agencies, public and private, devoted to this purpose in all parts of the world. The influence of this station began to be felt at once. It was an attractive growth to foster. Feeling, however, that as the great resources of the Department of Agriculture of the United States had been freely extended to other dependent peoples in the establishment of experimental stations, we could hope for a similar attention to Guam, steps were taken to induce the Secretary of that great department to include Guam station in his estimates. After many vicissitudes this was done in 1908, and finally the island station was amalgamated with a well equipped and efficient Federal station. In a recent number of the Guam News Letter, published monthly, it was interesting to note the advertisement for sale by a local trader of fresh vegetable seeds of all kinds.

I believe it is just to say that the interests of the people of Guam, as well as those of the United States, have always been well served by the American governors, and that the march of improvement has been uninterrupted. Much, however, still remains to be done, and an intelligent interest on the part of the public at home will aid materially the efforts of the men on the spot, who suffer under the handicap of distance and indifference to their needs.

[Fifth session, Friday morning, Oct. 21, 1910.]

The CHAIRMAN. Our subject for discussion this morning is Porto Rico, and it gives me great pleasure to present as the first speaker, Hon. HERBERT PARSONS, Member of Congress from New York.

THE OLMSTED BILL AND ITS PROVISIONS.

(Address of Hon. HERBERT PARSONS.)

The Committee on Insular Affairs, of which for several years I have been a member, reported to, and pressed to passage through, the House of Representatives, the Olmsted bill reforming the act providing a civil government for Porto Rico, in order to put into the fundamental law of Porto Rico the following new provisions:

1. A provision making the citizens of Porto Rico collectively citizens of the United States.

2. A provision by which hereafter voters in addition to those heretofore registered must either be able to read and write or own taxable real estate personally or as a member of a firm.

3. A senate of 13 members, to be chosen quadrennially, of which 5 shall be elected at the first election, 6 at the second, 7 at the third, and an additional one at each succeeding election, the balance to be appointed by the President, and this senate to take the place of the executive council, which now consists of 6 Americans and 5 Porto Ricans.

4. A house of delegates to consist of 1 member from each of 35 districts instead of 5 members from each of 7 districts.

5. A centralized health department, with a commissioner at the head, appointed by the President.

6. Minimum appropriations of $130,000 for each of the next five years, out of insular revenues, and 15 per cent out of municipal incomes, for sanitary work.

7. A civil-service director, to be appointed by the President, and a prohibition of the passage of any law which would prevent the free transfer of persons in the classified service between Porto Rico and the United States in the case of a position requiring expert scientific knowledge, or any citizen of the United States or of Porto Rico from taking civil-service examinations for such position and securing appointment without preference as to residence.

8. The establishment of a public-service commission which would have charge of the granting of franchises and should consist of the attorney general, the treasurer, the auditor, the commissioner of the interior, and two Porto Ricans to be elected by the people; this commission to have the power over franchises hitherto exercised by the executive council and also its power in regard to municipal loans and funds and advancements of insular funds to municipalities and school boards.

9. A provision excluding any corporation from the business of buying and selling real estate or holding or owning real estate not reasonably necessary to enable it to carry out its purposes and effectively prohibiting a corporation engaged in agriculture from owning or leasing more than 3,000 acres—a provision which takes the place of the present ineffective limitation of 500 acres.

10. A provision enabling the Porto Rican legislature to create a department of agriculture, commerce, and labor, if it shall see fit to do so.

11. A change somewhat limiting the jurisdiction of the United States district court for Porto Rico and providing that the salaries of the judge and officials and the court expenses shall be paid by the United States.

12. A provision that the municipal judges of Porto Rico shall hereafter be appointed by the governor instead of elected.

13. The governor is given absolute power of veto of any law passed by the Porto Rican Legislature. No franchise is legal until approved by the President after passage by the senate of Porto Rico, and Congress still reserves the right to annul any franchise or any law.

The bill passed the House of Representatives, but has not yet been acted upon by the Senate.

Why did the Committee on Insular Affairs recommend these changes in the fundamental law of Porto Rico?

1. As to citizenship, Porto Ricans were in an anomalous position. Some claimed that under the Foraker Act they were citizens of the United States, others that they were not. If the latter were so, then they were citizens of Porto Rico, but men and women without a country. There was just as much reason why they should be American citizens as there was why the Mexicans of New Mexico should be. There was more reason why they should be citizens of the United States after having been for 12 years under its laws and commercially and economically a part of it than why the immigrant from abroad, here for a less time, should be admitted to citizenship. And even though citizenship be a matter of sentiment—and it is more than that—glad should we be to bind them to us by the strong tie of such a sentiment.

2. With the granting of greater popular rights in the way of electing their representatives it seemed wise to restrict the suffrage, so great is the percentage of illiteracy among Porto Ricans. When we took possession the illiteracy was 77.3 per cent and the school attendance only 8 per cent. Despite as great an increase in school supply as resources will permit, the school attendance is now only about 30 per cent, and it will be many years yet before Porto Rico will have reached the condition of a substantially educated people with a correcting public opinion, the prerequisite in my mind to complete control of its own affairs. To this limitation of the suffrage there was little objection. Those who now have the right to vote will continue to have it, but in the future new voters must either be able to read and write or own property.

There is a considerable farming class that is illiterate, and I have been told that such people of the hills vote far more independently than do many of those in the cities who are able to read and write. These farmers will still form part of the voting population, and so will their successors; but the future laborers in the sugar centrales, said to

be easily subject to political corralling by their employers, will not in the future become voters unless they can read and write.

3. Heretofore the upper body of the legislature was the executive council, the majority of which was constituted of appointive executive officials. So far as we have been able to ascertain, that scheme worked greatly to the welfare of Porto Rico. The Porto Ricans were opposed to it for sentimental reasons, claiming that the union of the executive with the legislative was un-American.

I think that a mistake was made in separating the two, and I believe that the growth of the commission idea of city government, in which the executive officials compose also the city legislature, indicates the well working of such a union of functions as does the great influence of the executive over the legislative indicate the inevitable identification in the minds of the people of the chief executive official mainly by his legislative program. The senate is made gradually wholly elective, so that by the year 1924 a majority of the Senate shall be elective. This change was a compromise with the wishes of the Porto Rican politicians, who demanded a wholly elective senate immediately.

4. The principal change in regard to the house of delegates was to provide that each member should be elected from a district instead of five from each of seven districts. The house is now wholly composed of members of the Unionist party. The other party, the Republican party, has considerable strength in some localities, and it is believed that this change will give a better opportunity for minority representation. Now 15 of the 35 members live in the city of San Juan. They are Unionists, though that city is Republican. In the future each representative will have to be a resident of his district, a requisite with which I myself do not sympathize. The same requirement was inserted in regard to senators.

5. The principal feature of the bill is the provision for a centralized health department. The provisions are drastic, but they were considered essential in order to make Porto Rico the extremely healthful place that it should be and to insure the continuance of the splendid work introduced by Dr. Bailey K. Ashforth, of the United States Army, in the suppression of anemia, more popularly known as the hookworm disease. The death rate in Porto Rico was 40.86 per thousand in 1901. In 1909 it was a trifle below 21, but in Cuba we have reduced it to 14. We intend to put it as low as that in Porto Rico; we can not do it under the present system, where there is a constant conflict, according to Gov. Post, between insular and local authorities. In his last report Gov. Post said:

"Large districts of the island are absolutely without medical attention, and men, women, and children suffer and die in utter neglect. There are several towns where there is no resident doctor, and the town is too poor to pay a salary which might induce one to come. Should a serious epidemic break out in the island the result would be decimation. Every attempt to get the legislature to take serious action in this matter has failed, usually owing to jealousy existing between the local and central authorities."

One year the lower house of the legislature failed to make any appropriation for the work to suppress anemia, although its suppression is so vital to the island that Mr. W. J. Bryan appeared before our committee and urged congressional appropriation for the eradication of the disease. For three months the work stopped, and the appropriation then made at a special session was not up to the average of the preceding year and the control was taken from the governor, although the work had been initiated under gubernatorial auspices and urgency, and was placed where, in the course of time, it might be used for political jobbery.

6. It was accordingly essential not only to centralize the work and put the physicians and employees throughout the island on a civil-service basis, as the Olmsted bill does, but also to make mandatory minimum appropriations both out of the insular revenues and the municipal revenues.

7. Antipathy to the merit system and to the use of outsiders, no matter how expert, was showing itself in Porto Rico, as it has shown itself elsewhere, and for that reason it was necessary that Congress should legislate so that Porto Rico can secure the most expert service and so that the director of the service should be dependent upon the President, whose only desire would be efficiency, rather than upon local influences, where the pressure for jobs might be strong.

8. No more up-to-date work has been done in Porto Rico than the system of granting franchises, which has been managed by the executive council. The power of granting franchises has proved so corrupting to popularly elected bodies that it seemed wise to give to Porto Rico such a public-service commission as we have here. There it was possible to constitute it largely of executive officials familiar with the details the consideration of which would be necessary. Porto Rican representation on the commission was most desirable, and therefore the plan was copied that prevails in some of our States of making those members elective.

9. A large farm-owning population is a fine element in any Commonwealth. Great as may be the economic advantages of large corporate ownership of land, still greater are the advantages in the way of a sound citizenship of a large farm-owning population. How much the development of the tobacco and sugar industries in Porto Rico has changed the former condition of affairs we do not know and will not know until the present census is completed and published, but the present law, which nominally limited corporation ownership to 500 acres, but imposed no penalty and so was ineffective, has probably permitted the passing of a considerable acreage into corporation control. That we wish to stop for the future, so that Porto Rico can continue to have a considerable farm-owning population. According to her census in 1899, there were 39,021 farms of an average size of 45 acres, the percentage of owners was 93 per cent, and the percentage of the cultivated area owned by the occupants was 91 per cent, as against 43.5 per cent in Cuba.

10. It may be possible to greatly increase the fertility of Porto Rico, and to that end a department of agriculture might contribute. We accordingly make it possible for the Porto Rico Legislature to establish a department of agriculture and labor, but we do not make such a department mandatory, owing to the expense that it would entail.

11. The committee was addressed by very able Porto Rican lawyers, who much desired a limitation of the jurisdiction of the United States district court. On the other hand, some American lawyers and corporations not only protested against any limitation of the jurisdiction, but even desired an increase of it. The change that was made consisted in an increase in the amount necessary to furnish jurisdiction from $1,000 to $2,000 and in treating citizens of the United States domiciled in Porto Rico as citizens of Porto Rico for jurisdictional purposes and not as citizens of the United States with a domicile in the United States.

In addition the controversy that existed over the payment of salaries of and expenses incurred by the Federal court officials was eliminated by providing that they shall be paid by the United States, as is usually the case.

12. Porto Rico has had an excellent judiciary in her higher courts. The judges of the higher courts have been appointed, but the municipal judges have been elected. There has been considerable complaint of favoritism by municipal judges and a number of them were removed by the governor, some of them later being reelected despite the removal. Jury trials are almost unknown and the power of the judges is therefore greater even than here. We thought it better to make the lower judges appointive as well as the higher judges, and so the change provided that the governor shall appoint them.

13. An absolute veto by the governor over any legislation passed by the legislature met with favor and no opposition from Porto Rican representatives, and the bill contains it. There is some fear, however, that to curry popular favor the legislature may pass improper legislation, leaving it to the governor to veto it. Such a result would be only embarrassing to the governor and tend to make still more acute any feeling that exists against Americans.

Some of these changes were favored by the Porto Ricans, some were not. They were all dictated, however, by a desire to give Porto Rico an efficient government, which, at the same time, should be as popular as possible. Efficiency has been regarded as the first essential. Mr. Dickinson, the Secretary of War, visited Porto Rico, and many of the changes were made upon his recommendation. The committee held lengthy hearings, at which were present Mr. Muñoz Rivera, the leader of the Unionist Party in Porto Rico, the party that controls unanimously the house of delegates, and other representatives of that body, as well as representatives of the other party. The bill was debated in the house of representatives for several calendar Wednesdays, and then passed.

Porto Rico has been greatly blessed since American occupation. Its imports have increased from $9,366,230 in 1901 to $26,544,326 in 1909, and its exports from about $8,000,000 in 1901 to about $30,000,000 in 1909. It enjoys a singular position in regard to taxation. Many of the taxes which with us go to the expenses of the Federal Government, in Porto Rico are allowed to go to increase the insular revenues and to be used for things which with us are city and State purposes.

But not by dollars and cents should we measure the worth of our work in Porto Rico. Indeed, the true measure can not come until Porto Rico shall have an efficient government, republican in form and popular in reality, and take her place in the sisterhood of States. For that distant day we are preparing her, so that when her people come into full control they will appreciate that the power of the ballot is the power to secure the best of sanitation, the most just of courts and judges, and disinterested, intelligent, and courageous representatives. We can instill into them that future demand for the two things first mentioned by giving such to them now, trusting to the laws of imitation to give them the proper desire for them when they come into their full liberties. Another duty we now have to perform and are seeking to perform, is to protect a people, so largely illiterate, from spoliation and other evils that ignorance and lack of foresight might visit upon them. When the time approaches for granting complete self-government, I would rather see a popular government, even if somewhat less efficient, than the most efficient government without training in self-control and self-dependence. Among colonial powers, if we are to be called such, we have led the way in training for self-government the people who are dependent upon us. Peculiar interest, therefore, must we have in Porto Rico, for she is likely to be our first finished product.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, during my term of service in Congress I want to testify to the high character and ability of the men who have been commissioners of this District, and I think it is generally conceded that at no time have we had three more able men than the gentlemen who are occupying those positions in the District at this time. The suggestion has been made here by some that there is no use of increasing the salary, because you can always find somebody who will take the place at whatever the salary is. I remember hearing that statement made more than 25 years ago in the State of Michigan with reference to the pay of the circuit judges and of our governor. At that time and until recently we were paying our governor only $1,000. Then we were paying our circuit judges the small salary of $1,500 a year. To-day every circuit judge in the State of Michigan is paid all the way from $3,500 to $6,000, and as a result we get men of ability.

A further question has been raised that this matter ought to have come before the District Committee—I submit that it had—but I think in a few remarks I made a little while ago I gave sufficient reasons to the House why this, as well as other matters, had not been brought before the District Committee during this Congress, and that was simply and solely because it had become evident that the House did not feel inclined to give the District Committee time in which to transact its business. I want to say further that, so far as I am concerned as a member of that committee, had this legislation been brought before us I for one would have supported it.

Mr. GARDNER of Michigan. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, at 12 o'clock noon next Saturday this Congress will go out of existence, and its record for good or bad will go into history. I for one regret to see during these closing days the raid that is being made on the Treasury of the United States. We act as though we think this is going to be our last chance for some time to legislate, and we seem determined to raise the high salaries of the Nation's officials. If we were raising the salaries all along the line—the low salaries as well as the high—of the men and women lower down in the service and who are drawing small

salaries and who are working as faithfully and efficiently in their limited service, as we are disposed to raise the high salaries, I would not feel so much inclined to oppose this amendment. I do not know that it is the intention of any man here, but it looks as though the officials whose salaries are to be raised and the Members of Congress who are inclined to raise those salaries, are bent on getting them raised now before we get out of power, on the theory apparently that they will not be raised by the gentlemen on the other side of this Chamber when they come into power. I don't know but that is a compliment to the other side of this House, and I for one do not believe it is good politics for us to do it. To my mind there is no good reason, either as a business proposition or on political grounds, that we should raise the salaries of these commissioners.

Only a few months ago there were two vacancies on this commission, and there were a dozen or more candidates, so far as I know all able, competent, and honorable men, who wanted to get these positions. Two of those men were appointed and the others were disappointed. Those two men are hardly warm in their seats before it is proposed to raise their salaries. It is so all along the line, not only in the Federal service but in the State and municipal lines of the service. People pull every wire and invoke every possible influence to get positions. They actually crawl on their bellies for the jobs, and as soon as they get them it immediately occurs to them that the salaries are not big enough and they want more.

Mr. TAYLOR of Ohio. Mr. Speaker, I just want to ask the gentleman if he considers the gentlemen referred to were applicants, or, that they wanted the jobs, because I want to inform him that they were not.

Mr. MICHAEL E. DRISCOLL. I do not know about that, but I have no doubt they felt highly honored in getting those positions; and if they were not applicants for those positions, and if they did not want them, and if now they do not want their salaries raised, as I am imformed is the case, I do not see any good reason why the Congress should at this time undertake to raise them. These commissioners are high-class men and are doing very excellent work in the government of this city, and they are entitled to all honor and respect on the part of the people of this city and of the country, and they are further entitled to our highest consideration because they are not demanding an increase of salary.

They have proper appreciation of this dignified and honorable position. They could probably make much more in their private business, but they are willing to spend freely of their time and energy for the public good and for the great honor which is due them, and I am one of those who are willing to take off our hats to them. These men are not disposed to reduce these dignified, honorable, responsible, and powerful positions to the dollar standard. They are willing to accept the salary as it is and take the balance of their compensation out in honor, dignity, and social influence which go with these positions; and this is a high and wholesome ambition. Five thousand dollars is not a small or niggardly salary for these gentlemen, and will support them in a fair degree of comfort and abundance, even if they have no private fortune or income other than their salaries. It would not support them in luxury or in extravagance or in a high social way, but I submit that in this as well as in other positions in the Federal service, and in the public service generally, men should not expect or try to exact salaries so large that they may live in luxury and extravagance on them. The same rule should apply to these men which applies to judges, Senators, Representatives, and other high-grade servants of the Government.

On the question of the amount of salary and its supporting capacity these commissioners should not be compared with mayors throughout the country. The office of mayor of a city the size of Washington—and smaller as well as larger—is sought after by distinguished citizens not simply for the salary, but for the honor and dignity which go with the places. But a man who is elected mayor in any city is, of necessity, required to spend a larger or smaller amount in his campaign; and if successful, he is required to spend money all the year around in contributing toward all sorts of charities and public and private enterprises in the city. Then there are people calling on him all the time for contributions which he can not well escape. This is not strictly true in Washington, because the commissioners are not elected and are not responsible to the rank and file of the people, and are not under obligations to them, and therefore are not called upon to respond in small contributions to their political supporters when in need. In this as in other dignified and honorable positions in the public service of the country the salary is reasonable, and the position is and should be sought for the honor, dignity, and the good that can be done in it; and for this reason I trust that the motion to increase these salaries will not prevail. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FORNES].

Mr. FORNES. Mr. Speaker and gentlemen, in the first place I desire to express my appreciation for the compliment accorded me during the discussion of the subject, a few days ago, of establishing an asphalt plant. My colleague was kind enough to express the opinion that owing to my experience in municipal affairs I might be able to say something valuable upon that point. From that point of view my remarks regarding an increase of salary may be of some weight, in order to get a comparison of the salaries paid in the administration of the city of New York. My esteemed colleague from New York, to whom I have frequently listened with the greatest admiration and profit, in his statement is somewhat in error considering the cost of the administration of the city of New York. However different that may be, it can not have a direct bearing as to the increase of these salaries. There is a good theory to observe that when the office seeks the man the office generally gets the right man, but when the man seeks the office, then it is a question of debate as to the merits of the man. Whenever that is the question it seems to me that at a salary of $5,000 the office is seeking the man, and, owing to the conditions and the administration of the affairs of this beautiful city, I believe that the man sought for is fully qualified as to the fulfillment of that work. A mistake has been made in the assertion that the administrative responsibilities of the executives of the city of New York are not as great as are those of these commissioners. It should be made known that whoever has charge of the administration of a borough of New York has the appointment of a public highway commissioner, who is paid $6,000 a year, but who is not held as responsible for the excution of the work of the office as is the commissioner in the city of Washington. We should bear in mind this one proposition—that he who has the final decision in the matter is he who is held responsible for the execution of the work pertaining to the office, whether you have deputies or whether you have assistants or a commissioner, or like the senior member of the firm, who is held responsible for the success of the enterprise and the execution of the work.

When we consider that these three commissioners are responsible for the annual expenditure of $12,000,000, and at an official salary of $5,000—is that a fair recompense for the responsibility assumed? Would not a commercial house which is transacting a yearly business of $12,000,000 deem a salary of $5,000 a year insufficient for the responsibility assumed and the results accomplished? Is it not a fact, then, that where you are imposing a duty upon an executive in regard to work, that the recompense should be at least in comparison with the responsibilities? Here it is stated that the salary of a commissioner for the last 30 years has been $5,000 a year. What has been accomplished by these commissioners? What is being accomplished every day? The beauty of this city is the only argument necessary to answer the question. The great things that have been accomplished——

Mr. GOULDEN. And these commissioners are not only alone responsible to the people of the District, but they are responsible, through the Representatives in Congress, to the whole country.

Mr. FORNES. Yes; and it is for that reason we ought to recognize that responsibility and pay for it fairly.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, I desire to say that he comes from a great city, and I come from another great city. Does not the gentleman think the city of Washington is one of the best governed cities in this country?

Mr. FORNES. Yes, sir; and I will say this, that the city of Washington is virtually the great national city, a central attraction of the entire world, and I do not care where they come from, and we ought to show our sense of appreciation by encouraging these commissioners and giving them at least a fair recompense for the time that they have devoted to keep this city in the condition it is, and who have built it up to its present degree of beauty and measure of perfection.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield two minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I can not see how there can be any question that it would be a proper thing to raise these salaries. I think the great mistake is that a suggestion has been made to raise them to $6,000 a year. I think they ought to have $7,500. The suggestion that my colleague from New

York [Mr. MICHAEL E. DRISCOLL] made, that they had been crawling to get their salaries increased, is ridiculous. The board of trade has asked to have these salaries increased. They are entirely inadequate at $5,000. The civilian commissioners are both men of means, and that is the only reason why they can hold this position. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] made the suggestion as to there always being plenty of people to fill positions, and that we are raising the high-salaried men and not the low-salaried men. I believe in raising the low salaries, but I never yet have heard that there were any governmental positions where there were not more applicants than there were offices to fill.

Mr. GOULDEN. The gentleman, I understand, is a leading member of the Committee on the District of Columbia, and therefore, is familiar with this subject?

Mr. OLCOTT. I am a member of the Committee on the District of Columbia, and have been for the last six years, and I know these commissioners are hard-worked men, and that they work faithfully and honestly.

Mr. BENNET of New York. There is a bill before the District Committee to increase the salaries. Why does not the committee report that bill out?

Mr. OLCOTT. Whoever introduced the bill certainly did not press it, or it would have been considered by that committee. Besides that, the Committee on the District has some twenty-eight general bills on the calendar, and we have failed to get an opportunity to have them considered.

Mr. MOORE of Pennsylvania. Does the gentleman recall the commissioners having appeared before that committee to press such a bill?

Mr. OLCOTT. The District Commissioners have never appeared before the District of Columbia Committee and have never asked any increase of salary or the passage of that bill.

Mr. GARDNER of Michigan. Mr. Speaker, in concluding this discussion, I want to say that it has been represented over and over again on the floor of the House to-day that the two civilian commissioners were applicants for office. I desire to disclaim that representation. They were sought for and did not seek the place. As to the engineer commissioner, the third member, he is assigned here by the President of the United States just as any other Regular Army officer is detailed and assigned to special duty elsewhere than in the line. Again, gentlemen, it is asserted that we have raised the salaries of the high-class men and not those of the low. Anyone who will go through this bill will see that a large percentage of all the agreements are upon the raising of men who were getting from $600 a year to $1,000 a year. Above that amount is the exception. We have endeavored to raise the low men to where they could possibly live on the salary which the Government pays them—a large number from $600 to $720, which is the next lift. And we believe we are entirely within bounds when we ask that the commissioners shall receive $6,000 a year, and yet we only ask what they can live decently on in the city in the place which they have been called to fill.

Mr. JOHNSON of South Carolina. Will the gentleman let me ask him a question for information?

Mr. GARDNER of Michigan. Yes.

Mr. JOHNSON of South Carolina. Is not one of the civilian commissioners a retired officer of the Army?

Mr. GARDNER of Michigan. Without pay. He resigned from the Army. He gets no pay whatever, although ranking as a brigadier general in the Army.

The gentleman from Illinois [Mr. MADDEN] has shown that work is divided. He himself stands at the head of a great institution. He never would have been there for a year or a month if he had not the ability to select his subordinates. That is true of our public school system. We pay our superintendent more than any other man in the system because we assume he has the ability to select good subordinates. That is what puts the general at the head of the army. We pay our generals large salaries because they have or ought to have the genius to select men under them that can perform the business of war. That is true in all great enterprises, corporate and otherwise. Mr. Speaker, I hope this motion will prevail. I ask for a vote.

The SPEAKER. The question is on the motion to recede from the disagreement and agree to the Senate amendments numbered 1, 2, and 3.

The House divided; and there were—ayes 80, noes 76.

Mr. COX of Indiana. I demand the yeas and nays, Mr. Speaker.

Mr. CARY. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 147, answered "present" 8, not voting 114, as follows:

YEAS—115.

Alexander, N. Y.	Elvins	Kelliher	Plumley
Austin	Fassett	Kennedy, Ohio	Pray
Barchfeld	Flood, Va.	Küstermann	Reeder
Bartholdt	Focht	Lamb	Rodenberg
Bingham	Fordney	Lawrence	Scott
Boutell	Fornes	Livingston	Sheffield
Bradley	Foss	Longworth	Simmons
Brantley	Foster, Vt.	Loud	Slemp
Burke, S. Dak.	Gardner, Mich.	Loudenslager	Smith, Iowa
Burleigh	Gardner, N. J.	Lowden	Smith, Mich.
Burleson	Gillespie	McKinley, Ill.	Sperry
Butler	Gillett	McKinney	Stafford
Calder	Goulden	McLaughlin, Mich.	Stanley
Calderhead	Graff	Malby	Sterling
Campbell	Graham, Pa.	Mann	Stevens, Minn.
Carlin	Grant	Massey	Sulloway
Cassidy	Greene	Miller, Kans.	Swasey
Cocks, N. Y.	Hamer	Moon, Pa.	Tawney
Cooper, Pa.	Haugen	Moore, Pa.	Taylor, Ohio
Crumpacker	Hawley	Morgan, Mo.	Tilson
Diekema	Hay	Needham	Townsend
Dodds	Hayes	Nye	Volstead
Douglas	Heald	Olcott	Vreeland
Draper	Henry, Conn.	Olmsted	Wanger
Dupre	Howell, N. J.	Palmer, H. W.	Washburn
Durey	Hull, Iowa	Parker	Weeks
Dwight	Johnson, Ohio	Parsons	Wiley
Edwards, Ky.	Joyce	Payne	Young, N. Y.
Ellis	Keifer	Pearre	

NAYS—147.

Adair	Dixon, Ind.	Johnson, Ky.	Peters
Adamson	Driscoll, D. A.	Johnson, S. C.	Poindexter
Aiken	Driscoll, M. E.	Jones	Pou
Alexander, Mo.	Edwards, Ga.	Kendall	Rainey
Anderson	Ellerbe	Kennedy, Iowa	Randell, Tex.
Ansberry	Esch	Kinkaid, Nebr.	Ransdell, La.
Anthony	Fish	Kinkead, N. J.	Rauch
Barnard	Fitzgerald	Kitchin	Richardson
Barnhart	Floyd, Ark.	Kopp	Roberts
Bartlett, Ga.	Foster, Ill.	Korbly	Roddenbery
Beall, Tex.	Fuller	Kronmiller	Rucker, Mo.
Bell, Ga.	Garner, Tex.	Latta	Saunders
Bennet, N. Y.	Garrett	Lenroot	Shackleford
Boehne	Godwin	Lindbergh	Sharp
Booher	Gordon	McCreary	Sheppard
Borland	Graham, Ill.	Macon	Sherley
Burgess	Hamlin	Madden	Sherwood
Byrns	Hammond	Madison	Sims
Carter	Hanna	Maguire, Nebr.	Sisson
Cary	Hardy	Martin, Colo.	Smith, Tex.
Chapman	Harrison	Martin, S. Dak.	Spight
Clark, Mo.	Heflin	Mays	Steenerson
Clayton	Helm	Miller, Minn.	Sulzer
Cline	Henry, Tex.	Mitchell	Talbott
Collier	Higgins	Moon, Tenn.	Taylor, Colo.
Conry	Hinshaw	Morrison	Thistlewood
Cooper, Wis.	Hollingsworth	Morse	Thomas, Ky.
Covington	Howard	Moss	Thomas, N. C.
Cowles	Howland	Murphy	Tou Velle
Cox, Ind.	Hubbard, Iowa	Nelson	Turnbull
Cox, Ohio	Hubbard, W. Va.	Nicholls	Watkins
Cullop	Hughes, Ga.	Norris	Wickliffe
Davis	Hughes, N. J.	O'Connell	Wilson, Ill.
Dent	Hull, Tenn.	Oldfield	Wilson, Pa.
Denver	Humphrey, Wash.	Padgett	Woods, Iowa
Dickinson	James	Page	Young, Mich.
Dies	Jamieson	Palmer, A. M.	

ANSWERED "PRESENT"—8.

Andrus	Ferris	Glass	McLachlan, Cal.
Cantrill	Finley	Hill	Rothermel

NOT VOTING—114.

Ames	Foelker	Langham	Prince
Ashbrook	Fowler	Langley	Pujo
Barclay	Gaines	Law	Reid
Bartlett, Nev.	Gallagher	Lee	Rhinock
Bates	Gardner, Mass.	Legare	Riordan
Bennett, Ky.	Garner, Pa.	Lever	Robinson
Bowers	Gill, Md.	Lindsay	Rucker, Colo.
Broussard	Gill, Mo.	Lively	Sabath
Burke, Pa.	Goebel	Lloyd	Slayden
Burnett	Goldfogle	Lundin	Small
Byrd	Good	McCall	Smith, Cal.
Candler	Gregg	McCredie	Snapp
Capron	Griest	McDermott	Southwick
Clark, Fla.	Guernsey	McGuire, Okla.	Sparkman
Cole	Hamill	McHenry	Stephens, Tex.
Coudrey	Hamilton	McKinlay, Cal.	Sturgiss
Craig	Hardwick	McMorran	Taylor, Ala.
Cravens	Havens	Maynard	Thomas, Ohio.
Creager	Hitchcock	Millington	Underwood
Crow	Hobson	Mondell	Wallace
Currier	Houston	Moore, Tex.	Webb
Dalzell	Howell, Utah	Morehead	Weisse
Davidson	Huff	Morgan, Okla.	Wheeler
Dawson	Hughes, W. Va.	Moxley	Willett
Denby	Humphreys, Miss.	Mudd	Wood, N. J.
Dickson, Miss.	Kahn	Murdock	Woodyard
Englebright	Knapp	Patterson	
Estopinal	Knowland	Pickett	
Fairchild	Lafean	Pratt	

So the motion was lost.

The following additional pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. MCMORRAN with Mr. PUJO.

Until further notice:
Mr. PICKETT with Mr. ROBINSON.
Mr. KNAPP with Mr. STEPHENS of Texas.
Mr. DALZELL with Mr. HOUSTON.
Mr. COLE with Mr. GILL of Maryland.
Mr. BURKE of Pennsylvania with Mr. BARTLETT of Nevada.
Mr. CREAGER with Mr. BROUSSARD.
Mr. DAVIDSON with Mr. BURNETT.
Mr. DAWSON with Mr. CANDLER.
Mr. ENGLEBRIGHT with Mr. CANTRILL.
Mr. FAIRCHILD with Mr. CRAIG.
Mr. GARDNER of Massachusetts with Mr. ESTOPINAL.
Mr. GRIEST with Mr. GREGG.
Mr. GUERNSEY with Mr. HAMILL.
Mr. HAMILTON with Mr. HARDWICK.
Mr. HOWELL of Utah with Mr. HITCHCOCK.
Mr. KNOWLAND with Mr. HOBSON.
Mr. LANGHAM with Mr. HUMPHREYS of Mississippi.
Mr. LUNDIN with Mr. LIVELY.
Mr. MCCALL with Mr. LEE.
Mr. MCCREDIE with Mr. LEGARE.
Mr. MONDELL with Mr. LLOYD.
Mr. MCGUIRE of Oklahoma with Mr. LEVER.
Mr. MOXLEY with Mr. MOORE of Texas.
Mr. PRINCE with Mr. RUCKER of Colorado.
Mr. SOUTHWICK with Mr. SPARKMAN.
Mr. SNAPP with Mr. CLARK of Florida.
Mr. WHEELER with Mr. UNDERWOOD.
Mr. STURGISS with Mr. TAYLOR of Alabama.
Mr. THOMAS of Ohio with Mr. WEBB.
On this vote:
Mr. GAINES with Mr. SLAYDEN.
The result of the vote was announced as above recorded.

Mr. GARDNER of Michigan. Mr. Speaker, I understand that there is no further point of disagreement, and now that this is settled, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement to amendments 1, 2, and 3 and ask for a conference.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I present a conference report on the bill making appropriations for the Army.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 31237) making appropriations for the support of the Army.

Mr. HULL of Iowa. Mr. Speaker, there are just three amendments, and all rewritten. I ask that the conference report be read in lieu of the statement, so that it will show exactly what they are.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the Rules and Articles of War"; and the Senate agree to the same.

Amendment numbered 23: That the Senate agree to its amendment numbered 23 as amended by the House, with amendments as follows:

On page 1 of said amendment as amended, in line 7, strike out the words "State, Territory, and the District of Columbia"; and in line 8 strike out the words "not to exceed one additional officer for each," and strike out the comma which appears at the end of line 8.

On page 2 of said amendment as amended, in line 18, strike out the words "one-fifth" and insert in lieu thereof "one-half," so that the amendment will read: "Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section twenty-seven of the act approved February second, nineteen hundred and one, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed two hundred: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of twenty-one and twenty-seven years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and eighteen captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901"; and the House agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed 60, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: *Provided*, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act. The appointees as acting dental surgeons must be citizens of the United States between 21 and 27 years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course: *Provided*, That the contract dental surgeons attached to the Medical Department at the time of the passage of this act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: *And provided further*, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards

of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons"; and the Senate agree to the same.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 18, in disagreement between the Houses, refers to the status of paymasters' clerks, and the House recedes from its disagreement and agrees to the same with an amendment placing the Army paymasters' clerks on exactly the same footing as the Navy paymasters' clerks.

Amendment No. 23, in disagreement, refers to increase of officers for the Army for detail with the militia, and other purposes, and the House recedes from its disagreement and agrees to the same by striking out all details for each State, Territory, and the District of Columbia, division, brigade, and permits the detail for the organizing of the militia only, and provides for filling the vacancies one-half each fiscal year, and agrees to the amendment made by the House in regard to the Quartermaster's Department.

Amendment No. 49 relates to the Dental Corps, and the House recedes from its disagreement and authorizes the grade of first lieutenant only for the Dental Corps.

J. A. T. HULL,
GEO. W. PRINCE,
W. SULZER,
Managers on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I assume that the House understands the report, as it has been pretty fully debated heretofore. The first amendment that is in dispute relates to the Pay Corps, the paymaster's clerks.

Mr. COX of Indiana. What amendment is that?

Mr. MANN. The paymaster's clerks is No. 18.

Mr. HULL of Iowa. The proposal that has been agreed upon varies from that which was provided for in the original bill by the Senate in this, that the paymaster's clerks enter the service at $1,125 a year. Under the present law they enter at $1,400 a year. This provision will increase their pay each 3 years until after 12 years of service they will reach $2,000, which is practically the same as was provided in the Army bill in the original Senate amendment. The Pay Department suggested the insertion of an additional proviso providing that no paymaster's clerk should have his pay reduced as a result of this legislation; but the committee believe if we were going to put the two services on an exact equality the clerks should suffer the loss while they are young and get the benefit as they get older and after years of satisfactory service. So we declined to make any restriction of that kind and put it flatly on the same service as the Navy. I think every member of the committee will acknowledge that a paymaster's clerk of the Army, compelled to travel in the Tropics or Alaska or wherever it is necessary in the discharge of his duty, is entitled to as much pay as the same class of the service in the Navy. This should be a final settlement of the question.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. O'CONNELL. As I understand, you did that to equalize the Navy. In the report of the Naval Committee have they not recommended to have the dentists get three ranks?

Mr. HULL of Iowa. I have not yet reached that, but I will say here that is not the law.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. MANN. Paymaster's clerks, as I understand, in the Army under this get the same pay as in the Navy?

Mr. HULL of Iowa. They will, if this is adopted.

Mr. MANN. Under this provision, I mean. How about when serving abroad?

Mr. HULL of Iowa. The same exactly. They do not get any increase in pay on account of that. They get no increased pay for that.

Mr. MANN. Do they get the shore pay of the Navy?

Mr. HULL of Iowa. Shore pay.

Mr. MANN. Even if serving abroad?

Mr. HULL of Iowa. Yes; even if serving abroad. The next amendment refers to increase of officers for detail to the National Guard and for other purposes. The House voted on that and fixed the number as 230—200 flat increase and 30 increase in the Quartermaster's Department. We have come to an agreement on that number of officers, leaving it as fixed by the House, but we further amended the provision by striking out the words as to the governors of each State and Territory and the District of Columbia, so that no officers shall be detailed to serve on the governor's staff or with any governor of a Territory or with the District with anything except the organization of the militia itself. In other words, the details now go direct to the regiments or battalions or the equivalent of the battalion.

Mr. MANN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. MANN. The original Senate amendment provided for filling vacancies in the grade of second lieutenant, one-fifth in each year.

Mr. HULL of Iowa. I was coming to that in a moment. We changed that to one-half, as the number is reduced from 612 to 230.

Mr. MANN. I was going to ask whether that was done because of the reduction in the number of officers.

Mr. HULL of Iowa. That is the reason. We changed that to one-half, because in place of 612 we have 230, and to extend the 200 over five years would be unreasonable and deprive the militia of the object which we have in granting this number of officers.

Mr. STEVENS of Minnesota. Will not this result in all of the 200 being drawn from civil life and not from West Point or the enlisted men?

Mr. HULL of Iowa. No; the proportion of each year will be less than before. In other words, it takes two years now to fill up the 200, while before it took five years to fill up 612, less the 30 provided for the Quartermaster's Department.

Mr. STEVENS of Minnesota. My point is West Point graduates now with the quota of enlisted men who receive commissions just about fill vacancies in the mobile branch of the Army, and yet if we add 100 each year the chances are that these will have to be filled from men in civil life.

Mr. HULL of Iowa. My impression is that this is better for filling from West Point than the original provision that we practically adopted in the House, which would apply to the 612. Now, as to the exact number required to fill the vacancies of the Regular Army during the next year, I do not know; I did not inquire into that. It will undoubtedly open up a chance for some second lieutenants from civil life, but I will say to my friend that there are a good many young men in civil life who are graduates of military schools, graduates of the military department of State universities, who are certified to the War Department as eligible to commissions in the Army, and they will undoubtedly have an opportunity for some of them to come in.

Now, it may extend the possibility of promotion of the enlisted men of the Army who have enlisted for the express purpose of getting a commission, and to my mind that man is one of the most valuable officers we are getting in the Army. He does not get the military training of West Point, to be sure, but he shows his love for the profession by his willingness to endure the hardships of a private soldier and keep up his studies until he passes the examination for the place.

Mr. STEVENS of Minnesota. I would like to ask the gentleman if he does not think such an officer will be a better officer for the National Guard——

Mr. HAY. I desire to say to the gentleman from Iowa I wish to have some time.

Mr. HULL of Iowa. I will yield to the gentleman in a few minutes. Now, the next amendment is one over which there was a serious disagreement for a good while, which refers to the dental corps of the Army. There has been for years an effort made by the friends of the dental corps to give them commissions—rank in the Army. Up to this time they are simply contract dental surgeons. The Senate passed an amendment providing for a dental corps hereafter consisting of so many majors, so many captains, and so many first lieutenants. I do not believe that the corps should have this high rank. They are not assigned to troops; they are assigned to posts. They have their opportunity to discharge the work of their profession in connection with those posts and yet, in view of the standing of the corps and all things considered, we believe they should have some rank. In this amendment we give them the grade of first lieutenant. That starts them in with pay at $2,000 a year. They are now getting $1,800 a year. It gives them for 20 years' service 40 per cent increase in the pay,

making $2,800 a year, and the committee, on the part of the House at least, was unanimously of the opinion that that was a good deal of recognition for their services.

Mr. SLAYDEN. What allowances?

Mr. HULL of Iowa. They have the allowances of a first lieutenant—three rooms and fuel and lights.

Mr. SLAYDEN. And commutation?

Mr. HULL of Iowa. They do not have commutation except where quarters are not furnished.

Mr. SLAYDEN. They have light and fuel?

Mr. HULL of Iowa. Yes; but they do not get commutation for that. They do get commutation of quarters when quarters are not furnished.

Mr. SLAYDEN. But they do get all of these advantages.

Mr. HULL of Iowa. Now, Mr. Speaker, I realize the Committee on Naval Affairs has already reported a bill and which is now pending on the calendar, giving the dental surgeons of the Navy the rank that is asked for in the Senate amendment to this bill; that is, to make them majors, captains, and lieutenants, but I sincerely hope that if the House adopts this conference report and settles this controversy, which has been extending for the last 10 years practically, that it will stop it all and not allow this branch of the service to go to the higher rank.

Mr. SLAYDEN. But the gentleman realizes there will be a demand just the same and continual pressure.

Mr. HULL of Iowa. Absolutely; but my judgment is if this is settled here now it will end the controversy for the next 20 years.

Mr. O'CONNELL. Will the gentleman tell me why it is he uses as an argument that the paymaster's clerk gets rank in the Navy and he denies it to this branch of the service?

Mr. HULL of Iowa. I will say to the gentleman that the Congress of the United States has not yet given the rank asked for by the Committee on Naval Affairs. It is not the law. If it were the law, while I would regard it as going way beyond what the Congress should do, yet I would say at once that, in justice to the two branches of the service, they ought to be kept on an equality with each other.

Mr. O'CONNELL. Now, after a service of 20 years, what rank——

Mr. HULL of Iowa. They will be first lieutenants yet. They would be getting pay of $2,800, and they would retire at a salary of $2,100 a year.

Mr. O'CONNELL. I understood from the gentleman from New Jersey that it provided a retired rank of major.

Mr. HULL of Iowa. It does not. That is the Senate amendment.

Mr. O'CONNELL. I understand this is a bill introduced, practically, by the gentleman from New Jersey.

Mr. HULL of Iowa. It has no provision of that kind in it, at all, and has never had, as introduced by the gentleman from New Jersey.

I now yield 15 minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I do not care to occupy the time of the House on this report, because I believe it is the best that we can do, and it should be agreed to by the House. But the Secretary of War has seen fit to address a letter to the chairman of the Committee on Military Affairs calling in question certain statements made by me when the conference report on the Army appropriation bill was under consideration; and the gentleman from Iowa, chairman of the committee, has published the letter in the CONGRESSIONAL RECORD. The Secretary of War addressed this communication to the gentleman from Iowa, in which he undertakes to refute an argument which I made on the floor of the House, and, among other things, he says:

> I have the honor to say that the statement as printed was apparently misleading, as indicated by the debate which followed, and I submit the following memorandum which, in my opinion, more fully presents the facts.

Now, Mr. Speaker, I pass by the questionable taste displayed by the Secretary in calling in question statements made by a Member of this House in debate, and if I had been guilty of misleading the House, as he charges, I would certainly not question his right to correct me, which he could have done by addressing his letter to me and not to a third person.

Now, let us see who is misleading the House, the Secretary of War or myself.

At a hearing of the Chief of Staff of the Army before the Committee on Military Affairs, House of Representatives, on a bill (H. R. 29496) to increase the efficiency of the Organized Militia, and for other purposes, the following colloquy took place:

> Mr. STEVENS. You have at the present time, as I recall it, in round numbers, about 400 officers detailed at schools as instructors, or in one way or another connected with schools. Is that number too large, all around?
>
> Gen. WOOD. Two hundred and ninety-three is the total we have. I do not think this number too large.

With a view to obtaining more definite information relative to the details of these officers, I requested the Adjutant General, on February 15, 1911, to furnish information—

> as to the number of officers now absent from their commands on detached service either as instructors or as students at military or civil educational institutions.

In compliance with this request the Adjutant General submitted the following letter and tabular statement:

> WAR DEPARTMENT,
> THE ADJUTANT GENERAL'S OFFICE,
> *Washington, February 15, 1911.*
>
> Hon. JAMES HAY,
> *House of Representatives.*
>
> DEAR SIR: In response to your personal request of to-day for information as to the number of officers now absent from their commands on detached service, either as instructors or as students at military or civil educational institutions, I have the honor to transmit herewith a tabular statement, compiled as of January 30, 1911, which gives the information that you desire.
>
> Very respectfully,
> F. C. AINSWORTH,
> *The Adjutant General.*

Officers of the Army who were absent from their commands on detached service, either as instructors or as students at schools, on January 30, 1911.

Where located.	Instructors.	Students.	Total.
Army War College	14	22	36
United States Military Academy	[1] 81	([2])	81
Army Service Schools, Fort Leavenworth, Kans.	22	67	89
Artillery School, Fort Monroe, Va.	14	40	54
Mounted Service School, Fort Riley, Kans.	9	24	33
Engineer School, Washington Barracks, D. C.	5	23	28
School of Musketry, Presidio of Monterey, Cal.	3	-------	3
At schools in Europe	-------	2	2
Student in Cornell University	-------	1	1
Total	148	179	327
Instructors at civil educational institutions	64	-------	64
Aggregate	212	179	391

[1] Does not include 6 other officers on detached duty there nor the 7 professors.

[2] 416 cadets were there Jan. 30, 1911.

From the foregoing official statement it will be seen that instead of there being 293 officers "detailed at schools as instructors, or in one way or another connected with schools," as stated by the Chief of Staff in his hearing before the Committee on Military Affairs, House of Representatives, there were actually 391 officers so detailed on January 30, 1911, not including 13 officers on duty at the Military Academy.

It will also be seen that the call made upon the Adjutant General and the response made by him to that call related exclusively to officers on detached service either as instructors or students at schools and had no relation to any students at those schools other than detailed officers. And the remarks made by me in the House of Representatives on February 16, in connection with this subject during consideration of the Army appropriation bill, referred exclusively to officers on detached service either as instructors or students at schools and had no relation to any students at those schools other than detailed officers.

The letter of the Secretary of War of February 18, as printed in the CONGRESSIONAL RECORD of February 23, 1911, is misleading in that it confuses the issue, and apparently endeavors to discredit the official statement made by the Adjutant General and the remarks made by me in connection therewith by bringing in a lot of figures concerning enlisted men on duty or under instruction at various schools, including the School for Cooks and Bakers and the School for Horseshoers and Farriers. These figures are valueless as a basis upon which to attempt to discredit the statement made by me or the official report upon which that statement was based, because both the statement and the report referred exclusively to detailed officers. And if these figures with regard to enlisted men are as far from correct as are the figures that were given by the Chief of Staff at his hearing before the House Military Committee with regard to detailed officers, they are misleading as well as irrelevant. The production of these figures suggests the making of a somewhat searching inquiry with regard to the many Army schools, the number of which appears to be constantly increasing, and I hope that in the not-distant future there will be an opportunity to make such an inquiry with a reasonable prospect of corrective action being taken as a result of it if such action is found to be necessary. [Applause.]

As I said before, I regret that the Secretary of War has seen fit to question a statement made by me in debate on this floor.

I can excuse it, because doubtless the Secretary derived his inspiration and his information from those who are advocating this legislation and who, in their eagerness to persuade Members to vote for it, have neglected their duties in the War Department and have spent their time in buttonholing Members [applause], and have finally induced the Secretary of War to write a letter which does not convince and shows a lack of familiarity with the subject, which, to say the least of it, is deplorable. [Applause.]

Mr. HULL of Iowa. If no other Member desires time, I call for a vote.

Mr. SLAYDEN. Mr. Speaker, I would like two or three minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I unfortunately was not in when the chairman made his statement about this conference report, but I understand the paymasters' clerks have been given a sort of status——

Mr. HULL of Iowa. They are given the same status now as paymasters' clerks of the Navy.

Mr. SLAYDEN. That is neither fish, flesh, nor fowl, nor good red herring.

Mr. MANN. They are retired. That is all they want.

Mr. SLAYDEN. That is it, exactly. They were after retirement. I want to say, Mr. Speaker, while I can not hope to see it, I believe the report of the conferees ought to be voted down. Something was said here by gentlemen, and it seemed to pass in a general way unchallenged, about the extraordinary skill required by these clerks.

Now, as a matter of fact, there is no extraordinary skill required for the discharge of the work that is lodged upon the paymasters' clerks. It is the simplest and most primitive form of calculation. All they need is to have men who are capable of making the simplest calculations in figures, and disbursing that money honestly. It was suggested that we would suffer the misfortune of losing the services of these gentlemen after a few years because they would get better places. Well, sir, if we could by law fix it so that after they had had the advantage of this position for a little while, a temporary bridge to lead them to something better, the very best service we could render them would be to so change the law that they would get out of this service and go into commercial walks, where the rewards are certainly better than the privilege of being retired with the rank of a first lieutenant and ultimate pay, as the chairman suggests, of about $2,800 a year.

Mr. HULL of Iowa. Not for paymasters' clerks.

Mr. SLAYDEN. They get first lieutenant's pay, do they not?

Mr. HULL of Iowa. Two thousand dollars is the limit. They start in at $1,125 a year.

Mr. SLAYDEN. It makes the argument all the stronger, then. I am not impeaching the character or the capacity of the clerks at all. But I only say in the interests of the people that this legislation is not needed, and in the interests of good administration it is not required; and while it is always an exceedingly difficult thing and, in a way, an unpleasant thing to oppose these conference reports, I believe the best we could do would be to vote down this feature of the report and continue operating the office of the paymasters' clerks on the basis it has heretofore been operated on.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. SLAYDEN. Yes.

Mr. STAFFORD. I know that the gentleman has given military matters a great deal of consideration. Will he kindly enlighten the committee with his views as to the dental surgeons? Is that legislation necessary?

Mr. SLAYDEN. I will state to the gentleman from Wisconsin that I spoke very fully on that subject the other day in an endeavor to make myself perfectly plain. I am not in favor of it.

Mr. STAFFORD. I presume the gentleman's opposition to this measure is along the lines of his position as expressed the other day?

Mr. SLAYDEN. No. It is a compromise.

Mr. STAFFORD. Will the chairman of the committee yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. STAFFORD. Did I understand the chairman in his preliminary statement to say that the Navy has placed dental surgeons on the retired list?

Mr. HULL of Iowa. No; I say they have reported a bill which is on the calendar for that purpose.

Mr. STAFFORD. I presume that so far as placing dental surgeons in the Army on the retired list is concerned, the Navy will follow the gentleman's recommendation with respect to the Army?

Mr. HULL of Iowa. Yes; it is probable.

Mr. STAFFORD. What has the gentleman to say as to placing them on the active list with a retirement feature?

Mr. HULL of Iowa. I assume that unless you make their service a limited one they ought to have retired pay. When they get old they sacrifice the emoluments of a professional career to the service of the Army. My judgment is that the compromise we made with the Senate makes the dental corps of the Army sufficiently attractive for the brightest and best young dentists from the fact that they will know that when they are 64 years of age they will be taken care of, whereas if they are first-class dentists in a good large town they might be more successful for the time being, but they would be obliged to accumulate more of a competency while in active practice.

Mr. STAFFORD. Does the provision provide for a greater number?

Mr. HULL of Iowa. No; it only provides that additions can be made to the contract corps as the law may hereafter provide.

Mr. STAFFORD. Does the law provide for an increase of their salaries?

Mr. HULL of Iowa. Not at all.

Mr. STAFFORD. It just gives them the retirement feature?

Mr. HULL of Iowa. No; it gives them an increase of pay after 10 years' service.

Mr. DALZELL. Do they get an increased rate at any time?

Mr. HULL of Iowa. Not until after 10 years of service.

Mr. DALZELL. They then go on the retired list?

Mr. HULL of Iowa. They will go on the retired list at 64 years of age if this passes.

Mr. DALZELL. Is there a limitation there as to those who are already in the service?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas will state it.

Mr. SLAYDEN. Mr. Speaker, is it possible to have a division of this report, so as to have a separate vote on that feature of it which provides for the retirement of the paymasters' clerks?

The SPEAKER. The report must stand or fall as a whole, as the Chair understands it.

Mr. SLAYDEN. I beg the Speaker's pardon. I did not catch his reply.

Mr. GARNER of Texas. He says it must stand or fall as a whole.

Mr. HULL of Iowa. Mr. Speaker, I desire to say one more word on this paymaster business. They now enter the service at $1,400 a year. They will enter this service under this provision at $1,125 a year. The gentleman refers to the fact that it would be a good thing if they went out——

Mr. SLAYDEN. A good thing for them.

Mr. HULL of Iowa. I do not think it would be a good thing for the Government. The Paymaster General reports that in the last few months a great many of them have gone out. I hope this report will be adopted and the bill enacted into law, and that the Congress of the United States will have placed a limitation on the fight that is being made along other lines for increased rank, which, in my judgment, the adoption of this report will have the effect of doing.

Mr. SLAYDEN. I entirely agree with the gentleman, and I hope that this feature of the proposed legislation—this feature which I believe to be utterly wrong—will be defeated. But does the gentleman think that the hope now held out to these people is such as to inspire the ambition of energetic young men with respect to position and pay? I am speaking of the Pay Corps.

Mr. HULL of Iowa. I think so. The compensation is better than that which the average bookkeeper receives now.

Mr. SLAYDEN. It is not better than the average bookkeeper hopes to make.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. SLAYDEN) there were, 122 ayes and 16 noes.

So the conference report was agreed to.

On motion of Mr. HULL of Iowa a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SULZER. Mr. Speaker, in connection with the attempt to increase the postal rates on second-class mail matter, I desire to print in the RECORD the newspaper reports of a large mass meeting recently held in Cooper Union, New York City, to protest against any increase in postage on magazines and

periodicals. These reports speak eloquently against the imposition of raising the tax on education. I send the matter to the Clerk's desk, and ask to have it read in my time as a part of my remarks.

The Clerk read as follows:

To the United States Senators and Congressmen.

GENTLEMEN: We beg to submit for your careful consideration the newspaper accounts of the greatest demonstration ever assembled in historic Cooper Union on Washington's Birthday.

We wish to enter a most earnest protest against the threatened loss of employment to those engaged in the manufacture of magazines and other educational literature in the event of an increase of postage rate now a part of the appropriation bill, making a cost of 4 cents a pound—300 per cent over the present rate—which would mean the nonemployment of many thousands of those now employed in the city of New York and throughout the United States.

Respectfully submitted.

JOINT CONFERENCE COMMITTEE OF THE MECHANICAL CRAFTS IN THE PRINTING TRADES.

[New York American, Thursday, Feb. 23, 1911.]

BIG MASS MEETING DENOUNCES HITCHCOCK RAID ON MAGAZINES—APPEAL IS MADE TO CONGRESS—MEN AND WOMEN WHO FILL COOPER UNION CHEER AS RESOLUTIONS ARE PASSED CALLING ON ALL REPRESENTATIVES TO STOP THE PROPOSED INCREASE IN POSTAGE RATES—PARCELS-POST LAW WOULD SOLVE ENTIRE PROBLEM, WRITES SULZER—JUDGE SNITKIN POINTS OUT DANGEROUS "JOKER" IN BILL MAKING POSTMASTER GENERAL A CENSOR AND ENABLING HIM TO KILL OFF PERIODICALS OR LET THEM CONTINUE PUBLICATION AT HIS PLEASURE.

Cooper Union was filled yesterday by men and women employed in the magazine industry, chiefly in the mechanical departments, to protest to Congress against the proposal to make up the postal deficit by quadrupling the rate of postage on popular magazines.

They gave up the best part of their holiday to this because, it was declared, the increase would drive half of the magazine printing force out of employment.

"Two-thirds of the printing in the United States is done in this vicinity," declared Bernard Nolan, who presided. "This is a joint convention of the mechanical crafts in the printing trade, and the 6,000 members of our league have met here because the purpose of the league is to further the general welfare of the printing trade, observing fairness alike to employer and employed."

He read this telegram from Congressman SULZER:

PARCELS POST WOULD SOLVE THE WHOLE PROBLEM.

"The proposed increase of postal rates is an imposition upon the people, absolutely unjustifiable as a matter of fair play, and absolutely unnecessary in view of the fact that if the Congress would pass my bill for a general parcels post there would be an increase of postal revenue of $50,000,000 a year. This amount would wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees."

"Give us a parcels post and all postal problems are solved."

He read this remarkable indorsement of the protest from Municipal Court Judge Snitkin, who, from his sick bed, sent a letter declaring:

"I wish to state that I consider the Post Office appropriation bill a pernicious measure in view of the fact that it contains a dangerous 'joker' in the shape of unjust and illegal discrimination against periodicals.

"This un-American measure, if enacted into law, virtually means the financial extinction of some publishers and loss of employment to numberless men and women.

"MAKES POSTMASTER GENERAL A CENSOR.

"This pernicious measure constitutes the Postmaster General a censor, and clothes him with dangerous powers to kill or let live many magazines at his pleasure.

"This measure means the muzzling or annihilation of the progressive, outspoken periodical.

"This bill would make splendid legislation in Russia, but it is diabolical legislation in free America."

R. Hoe & Co. sent word that they already had put themselves on record at Washington as being opposed to the increase.

Frank H. Stevens pointed out that if to meet the increase magazines were forced to advance their prices, "down will go the circulation, and out of employment will go half the help."

He gave this concrete example of what would result: There was a high-class weekly which weighed three copies to the pound. The proposed rates would increase the postage three times the present cost, and while the weekly might be making $200,000 a year now, employing thousands of men and women, that profit would be wiped out and a deficit created. This deficit could be met only by wholesale dismissal of employees.

WOULD INVOLVE LABOR TROUBLES, TOO.

J. J. Keppler, international vice president of the International Association of Machinists, made the point that injustice would be done to hundreds of thousands of his fellow machinists "who are employed under agreements between employers and labor organizations."

"Congress should not make a law that would do violence to existing contracts," he said. "If through this measure a reduction of wages shall be involved to pay for the shortcomings of the postal service, conciliation and arbitration will be necessarily sought by our labor commissioner to avoid strife or possible strike."

John P. Mines, ex-president of the Press Feeder's Union, told the assemblage that if the Post Office needs more money it should, instead of taxing a product and injuring labor, reduce the price paid to railroads for carrying the mails.

"That price," he explained, "is now in excess of what is charged to the citizen for similar service."

Amidst ringing cheers resolutions were adopted to be sent to Congress. They represented the alarm felt over the proposed postal increase, because it "would drive many magazines out and lessen the field of labor. We call upon all Members of Congress to oppose this increase."

PRINTERS SIDE WITH MAGAZINES—1,500 DELEGATES OF TRADE UNIONS OPPOSE INCREASED POSTAGE BILL.

The bill before Congress providing for a large increase in the postal rates on magazines was unsparingly condemned yesterday afternoon in Cooper Union in a joint conference of the mechanical crafts in the printing trades. Fifteen hundred representatives of printing trades unions were present.

A resolution was passed unanimously calling on all Representatives and Senators to vote against the measure, which, it was asserted, would practically destroy the magazine industry and deprive hundreds of thousands of men and women in the printing trades of the means of earning livelihoods. The resolution expressed the belief of the workers in the printing industry that the Post Office Department can devise other means of overcoming the postal deficit.

"If the present bill increasing the postal rates on magazines becomes a law it will drive 50 per cent of the magazines out of business," said Bernard Nolan, of Pressman's Union No. 51, who presided. "Besides," he continued, "such a law would place a power in the hands of the Postmaster General that practically would permit him to pass on the existence of many of the magazines."

In a telegram indorsing the object of the meeting, Representative SULZER said the proposed increase in magazine postal rates is unjustifiable. The parcels-post bill which SULZER has introduced, he said, would solve the problem of the postal deficit. The arguments in favor of the increased-rate bill, the Representative wired, "would make a horse laugh and America hide its head in shame." Many other telegrams indorsing the meeting were received, including one from Sophie Irene Loeb, suffragist leader, who indorsed the parcels-post bill.

[New York Times.]

UNIONS OPPOSE POSTAGE BILL—WORKERS IN PRINTING TRADES PASS RESOLUTIONS AGAINST IT.

Four unions were represented yesterday afternoon at a meeting in Cooper Union called by the joint conference of the Mechanical Crafts in the Printing Trades to protest against the bill before Congress increasing the postage on magazines. The joint conference represents Pressmen's Union, No. 51; Webb Pressmen's Union, No. 25; Franklin Association of Press Feeders, No. 23; and the Job Press Feeders' Union. Delegates from district No. 15, of the International Association of Machinists, who work in the manufacture of printing presses, were also present.

Letters and telegrams were received from a number of well-known men. One telegram was from Congressman SULZER, in which he denounced the bill, and said that the proposed increase in postal rates would be an unjustifiable imposition on the people of the United States in view of the fact that if his bill for a general parcels post was passed it would more than meet the deficit in the Post Office Department. He said that the arguments adduced in favor of the bill to increase postage were enough "to make a horse laugh."

A letter was read from Robert Hoe, of Robert Hoe & Co., in which he said that his firm sympathized with the object of the meeting and had gone on record at Washington as being opposed to the bill to increase the postage rates.

Resolutions protesting against the bill were adopted.

[Evening World.]

PRINTERS IN POSTAL FIGHT—MASS MEETING CONDEMNS INCREASE OF MAGAZINE MAIL RATES.

New York printers, in mass meeting at Cooper Union yesterday, warmly condemned the proposed increase of postal rates on magazines.

The following unions were represented: Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, the Job Press Feeders' Union, and the printing press branch of District No. 15 of the International Association of Machinists.

Bernard Nolan, of Pressmen's Union No. 51, presided. Among the speakers were John P. Mines, of the Franklin Association, and John J. Keppler, vice president of the International Association of Machinists.

[The Evening Sun.]

UNIONS OPPOSE POSTAL BILL—MEETING OF PRESSMEN AND FEEDERS TO PUT THE TRADES ON RECORD.

The bill to increase the postage on magazines was condemned yesterday afternoon at a meeting in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades representing four organizations. They are Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. The branch of district No. 15 of the International Association of Machinists, whose members work in the manufacture of printing presses, was also represented.

Bernard Nolan, of Pressmen's Union No. 51, presided, and speeches condemnatory of the bill were made by John P. Mines, of the Franklin Association, and John J. Keppler, vice president of the International Association of Machinists. The chairman said that the bill if it became law would not only drive 50 per cent of the magazines out of business, but would place an amount of power in the hands of the Postmaster General which would make him the arbiter of the existence of many magazines.

Telegrams were received from Miss Sophie Irene Loeb, the suffragette leader; Congressman WILLIAM SULZER, and others regretting their inability to attend and condemning the bill. Miss Loeb said that the proper solution of the matter would be the establishment of a parcels post. Congressman SULZER in his telegram declared that the proposed increase in postal rates was an unjustifiable imposition and absolutely unnecessary in view of the fact that if Congress would pass his bill for a general parcels post there would be no postal deficit.

Letters were read from Robert Hoe, of Robert Hoe & Co., and from Municipal Court Justice Leonard A. Snitkin, expressing sympathy with the object of the meeting.

[Tribune, February 23.]

OPPOSE HIGHER POSTAGE—PRINTING-PRESS WORKMEN SIDE WITH THE MAGAZINES.

The proposed measure now before Congress increasing the rate of postage on magazines was opposed at a meeting yesterday afternoon in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades, which was formed in December, to protest against the bill. The conference represents Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. Representatives of the lodge of District No. 15 of the International Association of Machinists, whose members work at the manufacturing of printing presses, were also at the meeting.

The following resolution, a copy of which will be sent to every member of Congress, was adopted:

"Whereas we view with alarm the proposed increase of postal rates of the country pertaining to the magazines, periodicals, etc., now under discussion before the Senate; and

"Whereas such increase, if put into effect, will, to a certain extent, destroy this industry and thereby will deprive hundreds of thousands of men and women in our industry of employment; and

"Whereas we, the workers in the printing industry, believe that the Post Office Department can devise other means to overcome its deficit: Therefore be it

"*Resolved*, That the measure of increased postal rates is condemned, and that we call upon all Representatives, Senators, and Congressmen on behalf of our industry to vote against such a measure."

PROTEST AGAINST POSTAGE-RATE BILL.

The bill to increase the postage on magazines was condemned yesterday afternoon at a meeting in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades, representing four organizations. They are Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. The branch of district No. 15, of the International Association of Machinists, whose members work in the manufacture of printing presses, was also represented.

[Evening Journal, Feb. 23, 1911.]

MAGAZINE TAX DENOUNCED AT MASS MEETING.

Resolutions adopted at the Cooper Union mass meeting of men and women employed in the magazine industry, protesting against the proposed increase in postage on magazines, to-day were sent to Congress.

"Two-thirds of the printing in the United States is done in this vicinity," declared Bernard Nolan, who presided at the mass meeting. "This is a joint convention of the mechanical crafts in the printing trade, and the 6,000 members of our league have met here because the purpose of the league is to further the general welfare of the printing trade, observing fairness alike to employer and employed."

He read this telegram from Congressman SULZER:

"The proposed increase of postal rates is an imposition upon the people, absolutely unjustifiable as a matter of fair play, and absolutely unnecessary in view of the fact that if the Congress would pass my bill for a general parcels post there would be an increase of postal revenue of $50,000,000 a year. This amount would wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees."

RUSSIAN LEGISLATION.

"Give us a parcels post and all posts problems are solved," said Mr. Nolan.

He read this remarkable indorsement of the protest from Municipal Court Judge Snitkin, who from his sick bed sent a letter declaring:

"I wish to state that I consider the Post Office appropriation bill a pernicious measure, in view of the fact that it contains a dangerous 'joker' in the shape of unjust and illegal discrimination against periodicals.

"This un-American measure, if enacted into law, virtually means the financial extinction of some publishers and loss of employment to numberless men and women.

"This pernicious measure constitutes the Postmaster General a censor and clothes him with dangerous powers to kill or let live many magazines at his pleasure.

"This measure means the muzzling or annihilation of the progressive, outspoken periodical.

"This bill would make splendid legislation in Russia, but it is diabolical legislation in free America."

R. Hoe & Co. sent word that they already had put themselves on record at Washington as being opposed to the increase.

Frank H. Stevens pointed out that if, to meet the increase, magazines were forced to advance their prices, "down will go the circulation and out of employment will go half the help."

He gave this concrete example of what would result: There was a high-class weekly which weighed three copies to the pound. The proposed rates would increase the postage three times the present cost, and while the weekly might be making $200,000 a year now, employing thousands of men and women, that profit would be wiped out and a deficit created. This deficit could be met only by wholesale dismissal of employees.

WOULD INVOLVE LABOR TROUBLES.

J. J. Keppler, international vice president of the International Association of Machinists, made the point that injustice would be done to hundreds of thousands of his fellow-machinists "who are employed under agreements between employers and labor organizations."

Congress should not make a law that would do violence to existing contracts, he said. "If through this measure a reduction of wages shall be involved to pay for the shortcomings of the postal service, conciliation and arbitration will be necessarily sought by our labor commissioner to avoid strife or possible strike."

John P. Mines, ex-president of the Pressfeeders' Union, told the assemblage that if the post office needs more money, it should, instead of taxing a product and injuring labor, reduce the price paid to railroads for carrying the mails.

"That price," he explained, "is now in excess of what is charged by the citizen for similar service."

Amidst ringing cheers resolutions were adopted. They represented the alarm felt over the proposed postal increase, because it "would drive many magazines out and lessen the field of labor. We call upon all Members of Congress to oppose this increase."

The Cooper Union meeting was held under the auspices of the Joint Conference of Mechanical Crafts in the Printing Trades, which represents Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders, No. 23, and the Job Press Feeders' Union. Representatives of District No. 15, of the International Association of Machinists, were also present. The following resolution was unanimouly adopted:

"Whereas we view with alarm the proposed increase of postal rates of the country pertaining to the magazines, periodicals, etc., now under discussion before the Senate; and

"Whereas such increase, if put into effect, will, to a certain extent, destroy this industry, and thereby will deprive hundreds of thousands of men and women in our industry of employment; and

"Whereas we, the workers in the printing industry, believe that the Post Office Department can devise other means to overcome its deficit: Therefore be it

"*Resolved*, That the measure of increased postal rates is condemned, and that we call upon all Representatives, Senators, and Congressmen, on behalf of our industry, to vote against such a measure.

"COMMITTEE OF RESOLUTIONS.

"E. W. Edwards, Fred. Scudder, James Horan, Martin Broderick, William Konfield, Web Pressmen's Union No. 25; John A. Kenney, Fred. Wagner, Thomas Connors, Terry McGough, Frank Dowling, Printing Pressmen's Union No. 51; John P. Mines, James D. Kelley, John J. Clark, John J. Shannon, Herman Hoch, Franklin Union, No. 23; Thomas Henry, Job Press Feeders' Union No. 1; John J. Keppler, George Stilgenbauer, E. J. Deering, George Hoetzel, District No. 15, International Association of Machinists; Bernard Nolan, chairman; John J. Dowling, secretary."

Among the many letters and telegrams received by the committee were the following:

From Dr. William Irving Sirovich, 539 East Sixth Street, New York, magazine reader:

"To Mr. BERNARD NOLAN:

"Regret exceedingly that professional engagements incapacitate me from addressing your mass meeting in Cooper Union. What nutrition is to the body, what heat and energy is to our system, so the reading of healthy magazines is to the mind of the reading public. And to practice economy by increasing the postage on healthy magazines that breed good citizenship and pure motherhood is an indirect step in throttling public opinion and debauching the reading and critical public. To develop the mind and body, to scan the heavens, to study the geological strata and formation of the earth, to create literature, to resurrect the thoughts of dead and forgotten races and languages, to carve the hidden ideas of the brain in marble and statue, to portray the imagination of the brain in painting, to delve into the depths of the hidden and concealed, to inculcate the love of one's country, to expose corruption and extravagance in government, is all the province of literature as exemplified in the writings of good magazines. And as a reader of all the healthy periodicals, I strenuously object to their destruction and annihilation through an increased tax on their postage duties. As Rudyard Kipling said: 'Remove the advertisements and you destroy half the interest of the magazine.' May the time never come when through the guise of economy the liberty of a free press, through magazines, should be destroyed, while extravagance is flying rampant in every department.

"Very respectfully, yours,

"WILLIAM IRVING SIROVICH, M. D."

Telegram from Congressman SULZER, the consistent advocate of the people's rights:

"BERNARD NOLAN, Esq.,

"*Chairman Mass Meeting, Cooper Union, New York City:*

"I am in sympathy with the purpose of your meeting to protest against the increase of postage on magazines and periodicals. Regret, on account official duties here, I can not be with you to address the meeting. The proposed increase of postal rates is an imposition on the people. Absolutely unjustifiable as a matter of fair play and absolutely unnecessary in view of the fact that if Congress would pass my bill for a general parcels post there would be an increase in postal revenue of $50,000,000 a year, an amount sufficient to wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees. When all the facts are considered, the pretense of the Post Office Department is enough to make a horse laugh and patriotic America hang its head in sadness and humiliation. Give us a general parcels post and all postal problems are solved in the interest and for the benefit of all the people.

"WILLIAM SULZER."

From Congressman FRANCIS BURTON HARRISON:

"DEAR SIR: I thank you most cordially for your invitation to attend the meeting at Cooper Union to-morrow afternoon, which invitation has just reached me. Unfortunately, it is not possible for me to get away from Washington at this time. During the last 10 days of the session every Representative is on duty down here and, as you know, Washington's birthday is a workday for us just the same as all other days.

"With much regard, I am,

"Yours, very truly, FRANCIS BURTON HARRISON."

From United States Senator ROBERT M. LA FOLLETTE:

"DEAR SIR: I have your letter of yesterday, inviting me to attend the mass meeting to be held at Cooper Union to-morrow protesting against the proposed postal increase for second-class matter.

"I regret that because of legislative duties it will be impossible for me to attend.

"Respectfully, yours, ROBERT M. LA FOLLETTE."

Telegram from Sophie Irene Loeb, magazine writer:

"The proposed increase of postal rate on magazines will eventually destroy one of America's best educational features. If our Government would adopt a parcels-post system for its citizens, the same as it has by treaty with foreign governments, we would have a surplus instead of a deficit. Protest vigorously against any restriction on education or loss of employment of men and women now engaged in the magazine industry.

"SOPHIE IRENE LOEB."

From Senator GORE, the People's Rights Senator, from Oklahoma:

"CHAIRMAN COOPER UNION MEETING.

"DEAR SIR: I have the honor to acknowledge receipt of your favor of recent date inviting me to be present at Cooper Union on February 22. I regret to say that your invitation did not come to my personal attention until this moment, which explains, and I trust will excuse, my delay in answering. It would have afforded me great pleasure to attend the meeting to which you referred.

"With best wishes, I am,

"Yours, very truly, T. P. GORE."

SHERIDAN RAILWAY & LIGHT CO.

The SPEAKER laid before the House the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate a railroad, telegraph, telephone, electric power, and trolley line through Fort Mackenzie Military Reservation, and for other purposes, with House amendments disagreed to by the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

FORT D. A. RUSSELL MILITARY RESERVATION.

The SPEAKER also laid before the House the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes, with House amendments disagreed to by the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

CERTIFIED CHECKS FOR DUTIES ON IMPORTS.

The SPEAKER also laid before the House the bill (H. R. 30570) to authorize the receipt of certified checks on national banks for duties on imports and internal taxes, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. PAYNE. Mr. Speaker, I move that the House agree to the Senate amendments.

The motion was agreed to.

LOCATION OF OIL AND GAS.

The SPEAKER also laid before the House the bill (H. R. 32344) to protect locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest, with Senate amendments.

The Senate amendments were read.

Mr. NEEDHAM. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, I would like to ask what is the effect of these Senate amendments?

Mr. NEEDHAM. This bill, as it passed the House, excepted land under any withdrawal, and the Senate amendments confine the exception or proviso to mineral withdrawals. As the law is now, on land withdrawn like national forests you can carry on mining, and the bill as it passed the House would stop that. This amendment of the Senate is to correct that, and refers to mineral withdrawals so as to make the bill logical and as it was intended when it passed the House.

Mr. FITZGERALD. It does not affect lands withdrawn for other purposes?

Mr. NEEDHAM. This amendment was agreed to in the Committee on the Public Lands, and I was requested to make this motion on behalf of my colleague Mr. SMITH, of the Committee on the Public Lands, who has gone home quite ill.

The motion was agreed to.

VALLEY PAPER CO. V. DONNELLY, PUBLIC PRINTER.

By unanimous consent, on the request of Mr. COOPER, of Pennsylvania, leave was granted to print in the RECORD the following decision of Mr. Justice Gould, of the supreme court of the District of Columbia, sustaining the demurrer of defendant in the matter of the Valley Paper Co., plaintiff, *v.* Samuel B. Donnelly, Public Printer.

[In the supreme court of the District of Columbia. In equity, No. 29461.]

THE VALLEY PAPER CO. V. PUBLIC PRINTER.

Fred B. Rhodes, attorney for plaintiff.

Clarence R. Wilson, United States attorney for the District of Columbia; Reginal S. Huidekoper, assistant United States attorney for the District of Columbia; and Frank E. Elder, special assistant to the Attorney General, attorneys for defendant.

OPINION OF THE COURT.

The plaintiff's bill recites that it is a corporation under the laws of the State of Massachusetts and "a taxpayer of the United States," and that the defendant is the "United States Public Printer;" that in January, 1910, it submitted a proposal for supplying paper for the fiscal year ending February 28, 1911, to the Joint Committee on Printing at Washington, D. C., which was opened in the presence of six persons—to wit, REED SMOOT, JONATHAN BOURNE, jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY—and by them rejected, notwithstanding they "acted without authority or warrant of law, and to the injury and prejudice of the rights of complainant."

The bill next avers that the said persons were never appointed or had any authority to perform the duties imposed by law upon the Joint Committee on Printing; that "none" of them "were" ever appointed as members of said joint committee by either "the President of the Senate, the Speaker of the House of Representatives, or by any official in either House having authority to make such appointment."

The bill thereupon recites the provision of the act of Congress of August 26, 1852 (ch. 91, 10 Stat., 34), which provides: "There shall be a Joint Committee on Public Printing consisting of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated;" that the duties and powers of said joint committee were enlarged by the act of January 12, 1895 (ch. 23, 28 Stat., 601), but that no change was made as to the manner of the appointment of said committee. It recites section 5 of said act, which requires the sealed proposals to furnish paper to be opened in the presence of the joint committee and the contracts to be awarded "to the lowest and best bidder for the interests of the Government;" but that no proposal shall be considered which is not accompanied by a bond approved by a judge or clerk of a court of record in the penalty of $5,000, etc.; and that the persons named required that bidders should give bond in the sum of $10,000; "complainant further avers that the said body acting as aforesaid awarded contracts for supplying paper for the public printing without in any case requiring the bond to be approved by a judge or clerk of a court of record, and that the bid of complainant was the only bid opened by that body, acting as aforesaid, which was accompanied by a bond approved by a judge or clerk of a court of record."

It is next alleged that under the act of March 2, 1895, it is provided that when no joint committee has been appointed the Committee on Printing either of the Senate or House then in existence shall act. As there was no Joint Committee on Printing in existence, complainant was entitled to have his bid considered by the Committee on Printing of the Senate, consisting of six members, and the Committee on Printing of the House, consisting of three members. Notwithstanding the rights of complainant to have his bid considered as aforesaid, said REED SMOOT, who without authority or appointment assumed to act as chairman of the body which opened and rejected the bid of complainant, refused to permit three members of the Senate Committee on Printing to sit with the body considering said bids, or to have any vote in determining whether or not complainant's bid should or should not be accepted, although requested so to do by one of said Members, to wit, Stephen B. Elkins, United States Senator from West Virginia. Complainant further shows that notwithstanding the fact that defendant has been advised that there has been no compliance with the provisions of the law hereinbefore referred to, providing for the performance of certain acts as a condition precedent to entering into any contract for paper for public printing, said defendant has persisted, to the injury and prejudice of the rights of complainant, in purchasing paper under certain alleged contracts with various firms which have not been approved by the Joint Committee on Printing or by any other persons or body authorized by law.

The special prayer is that the Public Printer "show cause why he should not be permanently restrained and enjoined from issuing any orders for paper for the public printing for year ending February 28, 1911, under contracts entered into as aforesaid."

The Public Printer interposed a demurrer to this bill, alleging some 11 reasons why it was bad in substance, and also a return to the rule issued thereon, in which he states, substantially—

First. That plaintiff's proposal failed to conform to the requirements of law, and when opened by the persons named in the bill, which persons comprised the Joint Committee on Printing, together with other proposals for supply of paper, was rejected, and the contracts were awarded to other firms who were the lowest and best bidders for the interests of the Government.

Second. That "the Committee on Printing of the House of Representatives, consisting of GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, were appointed by the Speaker of the House of Representatives to act as such Committee on Printing of the House of Representatives, and as members of the Joint Committee on Printing, and this defendant further says that the Committee on Printing of the Senate consisted of eight members, who were duly appointed in accordance with the rules of the Senate for selecting the personnel of committees, to wit, by the Committee on Committees, designated by the President of the Senate, whose recommendation in this regard was formally approved by the Senate of the United States; that in pursuance to the rules and regulations of the said Senate and by express resolution of said body of February 15, A. D. 1909, the said committee was constituted the Committee on Printing of the Senate, and the said REED SMOOT was appointed its chairman, with power and authority to select two of the members of the committee to act with him as members of the Joint Committee on Printing, and acting as aforesaid the said REED SMOOT did designate and select Senators JONATHAN BOURNE, jr., and DUNCAN U. FLETCHER to act with him as Senate representatives of the said joint committee; and the said REED SMOOT, being the chairman of the said Senate committee, was by force of the rules and regulations of said Congress duly constituted the chairman of the said Joint Committee on Printing, in strict accord with said rules and regulations, and in conformity to law; and this defendant further says that all of said acts were done by said committee in the composition of said committee and in performance of their duties as such Joint Committee on Printing in full accordance with law and within the scope of the authority of the legislative branch of the Government."

There are numerous additional defenses set forth in the return which need not be considered. The return is under oath.

By stipulation, the cause was heard on bill, rule to show cause issued thereon, return to said rule, and demurrer to the bill.

1. The first question naturally suggesting itself upon the face of plaintiff's bill is, By what right does plaintiff corporation claim injunctive protection of equity? It is alleged that plaintiff is a taxpayer of the United States; there is no allegation that its taxes will be increased if the Public Printer is not enjoined; there is not even such an inference in the bill. It is alleged that it was a bidder for the contracts let by the Joint Committee on Printing to certain unnamed and undisclosed competitors; there is no allegation that this action by the joint committee caused the plaintiff loss. There is no allegation that plaintiff corporation will be affected in any property or corporate right, in the slightest degree, by the continued issuance by the Public Printer of orders for paper for public use under the contracts entered into with its competitors. The gravamen of the bill is that certain officials acted without legal authority in awarding certain contracts to others than plaintiff. There is no contention in the bill that these officials ought to have awarded the contracts to plaintiff corporation and by not so doing caused it financial loss; the charge is that the aforesaid officials illegally usurped governmental functions; only this, and nothing more.

And for that reason, that an executive official, the Public Printer, should be enjoined from ordering paper under said contracts. To express the situation in other terms, the bill is an arraignment and criticism of certain Members of Congress who assumed to act as a Joint Committee on Printing when they had no title to such office, and the plaintiff, setting itself up as censor morum, asks equity to interfere with the acts of said committee, although said acts inflict no injury upon plaintiff or its property.

There is no such jurisdiction in equity. It deals only with property rights and with the maintenance of civil rights. The language of Mr. Justice Gray in the matter of Sawyer (124 U. S., 200) is often quoted:

"The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property."

And in the case of Green *v.* Mills (69 Fed., 852; 30 L. R. A., 90) Chief Justice Fuller, sitting in the circuit court of appeals, fourth circuit, used this language:

"It is well settled that a court of chancery is conversant only with matters of property and the maintenance of civil rights. The court has no jurisdiction in matters of a political nature, nor to interfere with the duties of any department of Government, unless under special circumstances and when necessary to the protection of rights of property, nor in matters merely criminal or merely immoral which do not affect any right of property."

In the case of People *v.* Byrd (98 Ga., 688), where an unsuccessful bidder secured an injunction in the lower court against the reporter of the Supreme Court prohibiting him from awarding a contract to one who was not the lowest bidder, the Supreme Court, in reversing the case, said:

"It results as a logical consequence from the foregoing that Byrd had no shadow of right to have the contract awarded to him, and therefore, in his attitude as a disappointed bidder, he had no legal cause of complaint with reference to the action taken in the premises by the governor and the reporter."

On page 693 the court continued:

"The only remaining question is, Did Byrd, in his capacity as citizen and taxpayer, have a right to institute in his own name an equitable proceeding against the reporter and the Franklin Co. for the purpose of testing the legality of the contract which the reporter, with the governor's consent and approval, had made with that company or obtaining an injunction preventing the said contract from being carried into effect? He could not do this, for several reasons. In the first place, the State, being a party to the contract, would be a necessary party to such a cause; and it could not without its express consent be subjected to any kind of action. * * * A contract to which the State is a party can not be annulled without having the State before the court; and, as Byrd could not make the State a party to this proceeding, this would be sufficient to end the matter.

"But, secondly, the injunction granted necessarily operated against the governor of the State, not eo nomine, because he is not a party to the record, but practically because it suspends the operation of the contract which he participated officially in making. In Mayo *v.* Renfroe (66 Ga., 427) this court said: 'The governor could not be made a party. Being head of a coordinate branch of the Government, the courts may not well enjoin him. Equity, as well as law, would seem to forbid it * * *.'

"And, thirdly, even if obstacles above pointed out were not in Byrd's way, he was not, as a mere taxpayer, entitled to maintain his petition, because he utterly failed to show that, as such, he was in any way injured by the letting of the contract to the Franklin Co. It was, in any event, absolutely essential for him to show that, in consequence of the action taken by the governor and the reporter, he, as a private citizen, sustained some injury. It is difficult to conceive how, in this capacity, he could have been injured at all, except by an increase in the amount of his State taxes; and as to this there was no contention, nor even a pretense, that the publication of the Supreme Court reports by the Franklin Co. would cost the State a single cent more than would have been the case if the contract had been awarded to Byrd himself or to some one else. He was not in a position to insist, and did not insist, that the State could, in any event, get the work done at a price less than his own bid."

In the case of World's Columbian Exposition *v.* United States (6 C. C. A., 58) a bill was filed seeking an injunction against the appellees to prevent the opening of the world's fair on Sunday, averring that such opening would be "of great injury and grievous prejudice to the common good and the welfare of the people of the United States." In dismissing the bill Chief Justice Fuller said:

"The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property. The court is conversant only with questions of property and the maintenance of civil rights, and exercises no jurisdiction in matters merely political, legal, criminal, or immoral."

In Cicero Lumber Co. *v.* Cicero (176 Ill., 9), the court said:

"The general rule is that when the duty about to be violated by the corporation or its officers is public in its nature and affects all the inhabitants alike, one not suffering any special injury can not in his own name or by uniting with others maintain a bill for an injunction. A private individual can not maintain a bill to enjoin a breach of public trust without showing that he will be specially injured thereby."

This citation of cases might be greatly extended. (See Roosevelt *v.* Draper, 23 N. Y., 318; Miller *v.* Grandy, 13 Mich., 540; State ex rel. Taylor *v.* Lord, 28 Oreg., 498.) It is sufficient to say, however, that with a few discordant opinions (see McCollough *v.* Brown, 41 S. C., 220; 23 L. R. A., 410) the great weight of judicial authority sustains the proposition that equity will interfere by the extraordinary writ of injunction only when the suitor shows a special and irreparable injury to himself or his property different from that which will be sustained by others similarly situated.

There is another consideration, possibly a corollary to that stated, which bars plaintiff's relief. The law regulating the issuance of injunctions by an equity court is a law of proportions; that is to say, unless the court is satisfied that the relief sought is essential to protect property interests of the plaintiff more important in law than the restrained rights of the defendant, the remedy will not be applied. This principle was exemplified by the Supreme Court in the case of Wilson *v.* Shaw (204 U. S., 24), where a suit was brought by a citizen and taxpayer of Illinois to prevent the construction of the Panama Canal. The court said:

"Clearly there is no merit in the complainant's contention. That, generally speaking, a citizen may be protected against wrongful acts of the Government affecting him or his property may be conceded. That his remedy is by injunction does not follow. A suit for an injunction is an equitable proceeding and the interests of the defendant are to be considered as well as those of the complainant."

So in this case the court should consider the relative injury to the parties if the Public Printer should be enjoined from buying paper under the assailed contracts. As already stated, there is no showing that the plaintiff will suffer any injury, while it is fairly inferable that substantial injury might befall the Government if the Public Printer were enjoined from purchasing his paper supply under the contracts heretofore made. It might even happen that the CONGRESSIONAL RECORD could not be printed.

2. There is another reason why plaintiff's bill can not be sustained. It seeks to destroy rights which certain unnamed persons or corporations have acquired under contracts with certain officials of the Government. These persons or corporations are not made defendants to the litigation. That their rights can not be adjudicated without their presence is clear from the decisions of the Supreme Court. (New Orleans Water Works *v.* New Orleans, 164 U. S., 471; California *v.* So. Pac. Co., 157 U. S., 229.)

The State courts coincide. In Hoppock *v.* Chambers (96 Mich., 509), the court said:

"This is a bill by certain taxpayers of the village of Frankfort to restrain the payment of moneys under a contract entered into in May, 1900, by the council with George L. Davis, trustee, for a water supply to said village. After the execution of said contract a corporation was formed, which succeeded to all the rights of said George L. Davis, under said contract.

"The bill is fatally defective, in that neither said Davis nor said corporation, so succeeding to his rights, is made a party defendant thereto. All the parties in interest, and whose rights may be affected, ought to be made parties. * * * The other parties to the contract in question would not be concluded by any decree herein, and the village, in case of a decree against it, would be subject to still further litigation."

(See also Hope *v.* Mayor, 72 Ga., 246; Hutchinson *v.* Burr, 12 Cal., 103; Hardy *v.* Bank, 46 Kans., 88.)

3. It is also contended by plaintiff that the body designated as the Joint Committee on Printing, which rejected its bid and accepted the bids under which contracts were made, was illegally constituted and exercised its functions without authority of law. This contention may be briefly summarized as claiming that section 12 of the act of August 26, 1852 (10 Stat., 30), is still in force. This section provides:

"SEC. 12. *And be it further enacted*, That a committee, consisting of three Members of the Senate and three Members of the House of Representatives, shall be appointed by the President of the Senate and the Speaker of the House, to be called the Joint Committee on Printing, which committee shall have a right to decide," etc. This provision was embodied in section 3756 of the Revised Statutes of the United States.

In 1895 Congress attempted to codify the laws relating to public printing. The act of January 12, 1895 (28 Stat., 601), was entitled: "An act providing for the public printing and binding and the distribution of public documents."

The first section of this act reads:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, who shall have the powers hereinafter stated."

This section differs from section 12 of the act of 1852 in that it eliminates the provisions regulating the appointment of the joint committee and leaves that body to be constituted as the rules of the Senate and House may from time to time prescribe.

While it is true that repeals by implication are not favored, it is equally well established, to quote the language of the Supreme Court in District of Columbia *v.* Hutton (143 U. S., 18):

"Where two acts are not in express terms repugnant, yet if the latter act covers the whole subject of the first, and embraces new provisions, plainly showing that it was intended as a substitute for the first act, it will operate as a repeal of that act."

That the act of January 12, 1895, was intended to "cover the whole subject" of the public printing and to be a substitute for all prior legislation upon the subject is manifest from an examination of the records of Congress, including the reports of the several committees which had the matter in charge. While the Supreme Court has held that the debates of Congress are not appropriate sources of information from which to discover the meaning of the language of statutes passed by that body, it has also held that the courts may resort to the reports of committees of either branch of Congress with a view of determining the scope of statutes passed on the strength of such reports. (Burns *v.* U. S., 194 U. S., 486.)

Resorting to this approved source of information, it is first noted that by a concurrent resolution of February 9, 1891, there was appointed a joint committee of the Senate and House with instructions to examine into the general subject of public printing and binding, and to report a bill in the following December. This committee formulated a bill which, with some amendments, passed both Houses during the Fifty-second Congress, but failed of final enactment because of a disagreement of the Senate to certain House amendments. The bill, as drawn by the joint committee, was a codification and reenactment of the numerous provisions of the existing law regulating public printing and binding; it, however, contained many new sections. A full and elaborate report of this joint committee is contained in Senate Report No. 18, Fifty-second Congress, first session. This report also contains a copy of the bill proposed, together with an explanation as to each section of the said bill.

Section 1 of the proposed bill provided that—

"There shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, and shall have the powers hereinafter stated."

The reasons assigned by the committee for the enactment of this section were as follows:

"This is nearly identical with section 3756 of the Revised Statutes of 1878 (act date of Aug. 26, 1852). The change is an unimportant one, leaving out that the Joint Committee on Printing shall be appointed by the President of the Senate and the Speaker of the House. The word 'public' is omitted, making the committee a Committee on Printing instead of a Committee on Public Printing. This change is made throughout the whole bill."

On September 12, 1893, Mr. Richardson, of Tennessee, from the Committee on Printing, submitted a report to the House accompanying House bill 2650 (53d Cong., 1st sess.), which bill was reported as a substitute bill, designated as the same as that reported by the Committee on Printing of the last House. The same explanation with reference to the change in the first section of the bill is given in this report as in the original report of the joint committee.

On July 24, 1894, Mr. Gorman, from the Committee on Printing, submitted a similar report to the Senate, which was intended to accom-

pany House bill 2650, above referred to. The same language is again used for explaining the reasons of section 1 of the proposed bill. Both the Senate and House committees, in reporting the bill, made specific references to the omission from section 1 of the requirements that the Joint Committee on Printing should be appointed by the President of the Senate and the Speaker of the House. This bill was enacted into law, as heretofore stated, on January 12, 1895. From these reports it is manifest that the act of 1852, which provided for the appointment of the members of the joint committee by the President of the Senate and the Speaker of the House, respectively, was intentionally changed by the language of the first section of the act of January 12, 1895. It is equally manifest from the history of this legislation that the intention of Congress was to codify, collect, and systematize the provisions of existing law upon the subject of public printing. The conclusion is irresistible that section 1 of the act of January 12, 1895, repealed so much of the existing law as regulated the manner in which the Joint Committee on Public Printing should be constituted. This conclusion is fully justified by the decision of the Supreme Court in District of Columbia *v.* Hutton, supra, and also by the decision of the same court in Murdock *v.* Memphis (20 Wall., 590), and United States *v.* Tynen (11 Wall., 88).

The result is that, under existing law, the appointment of the Joint Committee on Printing is left to the discretion of the Senate and House, as may be provided by their rules. The courts have no more power to pass upon the manner or method selected by the Senate or House for the appointment of such committee, or the regularity of the proceedings leading up to such appointment, than they would have to pass upon the regularity of the election of a Member of either House. Moreover, it appears from the return in this case, which in the present state of the record must be taken as true, that the House members of the joint committee were duly appointed by the Speaker to act as such, and that the Committee on Printing of the Senate consisted of eight members, who were duly appointed in accordance with the rules of the Senate; that in pursuance of said rules and by express resolution of the Senate, Senator SMOOT was appointed chairman of said committee, with power and authority to select two of the members of the committee to act with him as members of the Joint Committee on Printing, and that he did so select Senators BOURNE and FLETCHER. So that, even if the court had jurisdiction to inquire into the regularity of the appointment of the members of this joint committee, it could not reach any other conclusion than that the committee was constituted in accordance with the rules of the two bodies.

For the reason heretofore given, the demurrer to the bill will be sustained, with costs.

PUBLIC HEALTH SERVICE.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30292) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, and to increase the pay of officers of said service, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Public Health and Marine-Hospital Service of the United States shall hereafter be known and designated as the Public Health Service, and all laws pertaining to the Public Health and Marine-Hospital Service of the United States shall hereafter apply to the Public Health Service, and all regulations now in force, made in accordance with law for the Public Health and Marine-Hospital Service of the United States, shall apply to and remain in force as regulations of and for the Public Health Service until changed or rescinded. The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it shall from time to time issue information in the form of bulletins and otherwise for the use of the public.

SEC. 2. That beginning with the 1st day of July next after the passage of this act the salaries of the commissioned medical officers of the Public Health Service shall be at the following rates per annum: Surgeon General, $6,000; Assistant Surgeon General, $4,000; senior surgeon, of which there shall be 10 in number, on active duty, $3,500; surgeon, $3,000; passed assistant surgeon, $2,400; assistant surgeon, $2,000; and the said officers, excepting the Surgeon General, shall receive an additional compensation of 10 per cent of the annual salary as above set forth for each five years' service, but not to exceed in all 40 per cent: *Provided*, That the total salary, including the longevity increase, shall not exceed the following rates: Assistant Surgeon General, $5,000; senior surgeon, $4,500; surgeon, $4,000: *Provided further*, That there may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

Mr. BORLAND. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Illinois is entitled to 20 minutes, and the gentleman from Missouri to 20 minutes.

Mr. MANN. Mr. Speaker, this bill does two things: It makes a slight increase in the pay of the surgeons in the Public Health and Marine-Hospital Service and gives them the same pay that is given to corresponding surgeons in the Army and the Navy, but does not give them the same allowance. While the pay is increased to correspond with the pay in the Army and Navy, the allowances are not increased. It also provides that the "Public Health and Marine-Hospital Service," a title which is very long for the service, shall hereafter be known as the "Public Health Service."

It also provides that the Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution, either directly or indirectly, of the navigable streams and lakes of the United States, and that it may from time to time issue information in the form of publications for the use of the public.

There have been presented both in this House and in the other House of Congress various propositions in regard to the Public Health Service of the country. There have been bills introduced to create a department of health, a number of such bills. There have been various bills passed to create a bureau of health. Hearings have been had, both in the House and in the Senate on these subjects, and the present bill reported by the Committee on Interstate and Foreign Commerce is for the purpose, if it should be enacted, of disposing, it is hoped, of the agitation in regard to increasing the activities of the Public Health Service, and providing not for a department of health, not for a bureau of health, but merely authorizing the present Public Health Service to make scientific investigation of disease and to publish that information very much along the same lines as are now followed by the Bureau of Animal Industry in the Department of Agriculture.

Mr. SCOTT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SCOTT. To what extent does this law extend the authority the Public Health Service now has in the matter of making investigations relating to disease and the pollution of water and other things of that sort?

Mr. MANN. There is no department of the Government now authorized by law to make investigation of the pollution of the water or the streams of the country. The Public Health Service has now jurisdiction in the investigation of certain contagious or infections diseases which are named in the law, but they have no authority to investigate any other diseases except, possibly, in the public-health laboratory which they maintain.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. SLAYDEN. Mr. Speaker, I want information with reference to the acts that created the Marine Hospital Service, that no doubt the gentleman can supply. I observe that these gentlemen are referred to as commissioned medical officers, and so forth.

Mr. MANN. Yes.

Mr. SLAYDEN. Was it contemplated in the original act that they should have military rank, title, and privileges?

Mr. MANN. Well, the Marine Hospital Service, I suppose, is one of the oldest services of the Government, originally for the purpose of taking care of the seamen of the merchant marine. Many acts have been passed and they now have titles. No additional titles are conferred here except the title of senior surgeon.

Mr. SLAYDEN. When were those titles given by law?

Mr. MANN. Many years ago.

Mr. SLAYDEN. Are you sure they were created by law?

Mr. MANN. This does not change the law in any respect whatever. They are appointed by the President, confirmed by the Senate, and have the titles that are named in the bill except that of senior surgeon.

Mr. COX of Indiana. Does this add any new officer?

Mr. MANN. It adds no new officer.

Mr. SLAYDEN. I understand they have what is called in the Army "fogy increase."

Mr. MANN. They have that now.

Mr. O'CONNELL. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Massachusetts.

Mr. O'CONNELL. I have received a number of communications protesting against this bill, and one of the reasons for their objection to this bill is because they say this bill gives the officers a chance to invade the privacy of homes without any notice.

Mr. MANN. Let me say to the gentleman from Massachusetts and the other gentlemen of the House that there was decided opposition, and I think very properly so, to some of the bills which have been pending. Some of the provisions in the bill created a department of health, and there was decided opposition on the part of Christian Scientists and other people who did not believe in what is sometimes denominated the regular school of medicine, but after this bill was introduced—this bill—protests flooded the House with reference to the subject, and a hearing was given to those opposed to the bill, the League of Medical Freedom, various Christian Scientists, and I will say that they have none of the objections which they had in mind to the provisions of the bills which were introduced. There is nothing in this bill which will authorize a medical officer to invade the privacy of anyone's home.

Mr. LONGWORTH. Does the gentleman refer to this hearing where these associations were represented by Mr. Gordon, the former lieutenant governor of Ohio?

Mr. MANN. Yes.

Mr. LONGWORTH. That is what the gentleman refers to, and his bill is not objected to.

Mr. MANN. Oh, there is objection to the bill; they are afraid it may be extended. Now, let me say that the American

Medical Association, or one of its officials, in some hearings which were had some years ago before the Committee on Interstate and Foreign Commerce made the statement that it was the desire on their part at the time that the Government shall control diseases; that they might take possession of diseased persons, and inspect homes, and so forth; and a large share of the scare that has grown up in reference to increasing the efficiency of the Public Health Service has grown out of that statement; and I am frank to say that no member of the Committee on Interstate and Foreign Commerce, and I think no Member of the House, would for a moment be in favor of any such law.

Mr. O'CONNELL and Mr. FITZGERALD rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. MANN. I yield to the gentleman from New York.

Mr. FITZGERALD. I should like to ask the gentleman just how much does this bill extend the present power and jurisdiction of the Public Health and Marine-Hospital Service. Before the gentleman answers the question, I wish to call his attention to the fact that in the sundry civil bill provision is made for this service to take into one of its hospitals at any one time 10 persons suffering from contagious diseases. Will the gentleman explain if, under this bill, the present powers and jurisdiction of the service are extended?

Mr. MANN. The Public Health Service now has jurisdiction over certain specified contagious diseases.

Mr. COX of Indiana. What diseases?

Mr. MANN. I am not able to enumerate them to the gentleman, but smallpox, cholera, and a few things of that kind. They have also jurisdiction where there is an infectious or contagious disease that breaks out, like bubonic plague. They would have jurisdiction in connection with the officials of the State. They have now jurisdiction in their laboratory to investigate diseases also, and they have been investigating the disease of pellagra. There is a question as to whether they have really jurisdiction to make investigation of such diseases as pellagra, hookworm, and some new diseases which have come up. This gives them the authority to investigate those diseases and specifically includes the authority to investigate pollution of the water supply, which no branch of the Government now possesses.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BARNHART. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman from Indiana [Mr. BARNHART] first.

Mr. BARNHART. I want to ask, Mr. Speaker, if this would give the Government authority over the State boards and city boards of health.

Mr. MANN. It would not.

Mr. BARNHART. There is no specific instruction here for it to do anything except to investigate and report?

Mr. MANN. That is all the power it has. I will say to the gentleman that there have been various bills pending that propose to have the Public Health Service given authority to call upon State boards, and so forth. There is nothing of the sort in this bill. We did not desire to include that.

Mr. DALZELL. The text of the bill on page 1, as I read it, does not do any more than to change the name of the Public Health and Marine-Hospital Service.

Mr. MANN. That is all it does on page 1.

Mr. DALZELL. And at the top of page 2 is all the additional power that is given by the bill?

Mr. MANN. That is absolutely true. The only additional power in the bill given to the Public Health Service is in lines from 1 to 7, inclusive, on page 2.

Mr. DALZELL. And section 2 relates entirely to increase of salaries?

Mr. MANN. Relates entirely to increase of salaries.

Mr. MADDEN. How much does this increase the salaries, and how much is the total increase in the cost of the service, and how many additions will it make?

Mr. MANN. Nobody can tell the total of the increase, because that is a matter of longevity pay. They now receive longevity pay. I will state to the gentleman what the increase is so far as individuals are concerned. The Surgeon General now receives $5,000. He has no longevity pay. This bill would give him $6,000. The senior surgeon now gets $4,060, and there are 10 senior surgeons. This would give them a possible $5,000. The surgeons now receive a possible $3,500. This would give them a possible $4,000. That would include the full 20 years' longevity pay. Passed assistant surgeons now receive $2,000. This would give them $2,400. The assistant surgeons now receive $1,600, and this would give them $2,000. The increase in pay is only necessary because the bright young surgeons of the country now will not desire to go into this service, because if they want to enter Government service they make for the Army and Navy, where they get this increased pay and also greater allowances than are provided for even by this bill.

Mr. MADDEN. I just wanted to know whether this did not provide for the employment of a definite number of additional surgeons.

Mr. MANN. Oh, not at all. The last provision does not profess to cover surgeons at all.

Mr. MADDEN. Well, whatever help may be needed is authorized under this bill.

Mr. MANN. As may be provided for from time to time by Congress. But the number of surgeons is fixed by law.

Mr. MADDEN. Does it by appropriation or by law?

Mr. MANN. By appropriation, I suppose.

Mr. MADDEN. This law, then, does lay the foundation for the Appropriations Committee to recommend the pay for any additional number of men that may be required?

Mr. MANN. Only the ordinary force of the office; that is all.

Mr. COX of Indiana. I would like to have the gentleman's information on this, because I always have implicit confidence in his judgment, as to whether or not the gentleman believes this is laying a foundation, either directly or indirectly, later on, on which to establish a department of health.

Mr. MANN. If I thought it was, I would not be for it.

Mr. President, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. MANN. I will say to the gentleman from Indiana [Mr. Cox], and then I hope I may reserve my time for a moment, that if this bill passes I think it will end the agitation for a department or bureau of health. If this bill does not pass, or some similar bill does not pass in the future, it is likely that sometime, under the same kind of enthusiasm that caused two national conventions to declare in favor of a department of health, such a department might be created. Such a department is not needed, and it would be very much to the disadvantage of the Government to have a department of health, in my judgment.

I reserve the balance of my time.

Mr. BORLAND. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. MARTIN.]

Mr. MARTIN of Colorado. Mr. Speaker and gentlemen, I want to use my five minutes, not to tell what I know about this bill, but rather to suggest what I do not know about it. And it is what I do not know about this measure, its possible scope and result, that causes me to doubt the advisability of passing any such measure after 40 minutes' debate under suspension of the rules; yet I undertake to say that I know as much about this bill as the average Member sitting here present.

Now, the first knowledge I had of such a measure pending was when I received a telegram, such as perhaps all of the other Members of this body have received, protesting against the passage of this bill; and the first thing I did was to go to the chairman of the Interstate Commerce Committee and show him this telegram and ask him what there was about this measure. I recollect very distinctly that he told me that it was a mere matter of a change of name in the Public Health and Marine-Hospital Service, and that some power was to be given that service to prevent the pollution of interstate streams, and I think I can say truthfully that I have heard the chairman of the Committee on Interstate and Foreign Commerce make that same statement to other Members since that time.

I thereupon got a copy of this bill, and concluded at the very first glance that the change of name and the matter of investigating and preventing the pollution of interstate streams were very minor elements in the make-up of this bill, and I am of that opinion still. What is the scope of the authority of this new Public Health Service under this bill? Is it such as the gentleman from Illinois said, with reference to a former measure pending in this House?—

> I do not know to what scope the bill may reach. I do not know from a reading of the bill just how far it is intended to change the law with reference to the quarantine regulations or health regulations.

I defy any Member of this House to read this bill through and tell what is intended by it unless it is to place under the control of the health department the subject of all the health regulations in the United States.

Mr. COOPER of Wisconsin. What is the gentleman reading from?

Mr. MARTIN of Colorado. I am reading now from the hearings before the Interstate and Foreign Commerce Committee.

Mr. COOPER of Wisconsin. Of what date?

Mr. MARTIN of Colorado. On Thursday, January 19, 1911.

Mr. HINSHAW. Was that in reference to this very bill?

Mr. MARTIN of Colorado. No; not in reference to this particular bill, but in reference, as I understand it, to a very similar bill that was introduced in the House in a former Congress. But, leaving that out of consideration, the gentleman from Illinois said a few moments ago that he doubted whether under the existing law the Marine-Hospital Service had the right to investigate certain diseases. I believe he named the hookworm and one or two other diseases. He said he doubted whether under the existing law the Marine-Hospital Service had the right to investigate those diseases, and that the authority or jurisdiction of the Marine-Hospital Service is now confined to certain contagious diseases such as smallpox, the bubonic plague, and so forth.

But I do not suppose the gentleman will say there is any doubt whatever about the jurisdiction and authority of the Public Health Service, if this bill becomes a law, to investigate not only these contagious diseases and such diseases as the hookworm, but every disease to which human flesh is heir; and there is no boundary, no limit that I can see, fixed in the bill as to where and under what conditions and as to when and how these investigations are to be carried on.

I noticed the statement in this bill that the existing rules and regulations of the Public Health and Marine-Hospital Service are made the rules and regulations under the law, as it will be under this bill, and I wrote to the Public Health and Marine-Hospital Service for a copy of their rules and regulations, and I have them here in my hand. You can see the bulk of them, but you do not know what is in them. But I found this one thing in them, that their authority and jurisdiction heretofore seems to be confined to quarantine and quarantinable diseases. Everything in these regulations practically refers to quarantine matters; and, as the chairman of the Committee on Interstate and Foreign Commerce said awhile ago, their present operations are confined to the laboratory here, but if this bill is enacted their operations will be confined by the boundaries of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BORLAND. Mr. Speaker, I yield two minutes more of my time.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BORLAND] yields two minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. It would be enlightening if some gentleman who understands this business better than I do could take this bill and these regulations and go through them and determine just what would be the power and jurisdiction of this new Public Health Service.

Now, I find this regulation:

> It shall be the duty of the director of the laboratory to recommend to the Surgeon General, from time to time, special researches in the prevention, causation, and cure of disease, matters relating to the public health, and collateral subjects pertaining thereto.

As I say, this authority now seems to be very limited. It is limited to the laboratories down here; it is limited to quarantine stations to prevent the coming in of immigrants with certain contagious diseases—only about seven in all. But this bill authorizes the investigation of all diseases of man, and who will say, in the light of these rules and regulations, that it will not embrace as well the indorsement and recommendation of methods of treatment and the remedies, thereby giving standing and authenticity to certain schools of medicine?

I turn over on the next page, and I find the Chief of the Division of Chemistry shall have certain powers, and the Chief of the Division of Pathology and Bacteriology shall have certain powers, and I find that the Chief of the Division of Pharmacology, going into the matter of medicine, shall have certain powers and shall conduct investigations and analyses in relation to disease, thereby, it seems to me, endangering the creation of a bureau which may conduct investigations and make reports along the line of certain schools of medicine without any limitation being put into the bill as to the scope of its work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BORLAND. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, like several other gentlemen of this House, I have received in the last month many protests against the passage of this bill. Personally I do not know very much about it, but I am very much afraid that this bill will do a great deal more than many Members of this House think and believe it will. It may be, and possibly is, true that in the case of a great calamity the Government should take charge of infectious diseases like cholera and diseases of that sort. But this bill goes far beyond anything that the Government has ever undertaken to do heretofore.

I want to call the attention of Members of the House to a paragraph on page 2, which gives authority to the United States to enter the States and examine into the conditions in regard to the propagation and spread of disease, examine sanitation, sewage, and so forth. It strikes me that that is a matter which ought to be left exclusively to the States. I take it that every State in the Union has a State board of health that ought to be competent to examine into these matters.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. COX of Indiana. Certainly.

Mr. FOSTER of Illinois. How about agriculture? Do you think the States ought to take care of all the agricultural interests of the State?

Mr. COX of Indiana. That is different. I am unalterably opposed to letting anything go through to lay a foundation for a great department of health, to any proposition that will later on be multiplied and enlarged upon and made the foundation of a great department of health. That I am absolutely opposed to.

It is getting customary for the people to come to the Government of the United States to get the Government to do everything. If it does not stop soon I do not know where we are going to land. It strikes me that the people to-day are growing more and more helpless back in our country and territory. They are getting in the habit of coming to Congress to get the Government to do something for them that they can and ought to do for themselves, and I believe that we are laying the foundation here for the Government to do the very thing which the State ought to do for itself.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes.

Mr. COOPER of Wisconsin. Does the gentleman send to the farmers in his district the book on the Diseases of Cattle and Horses?

Mr. COX of Indiana. I do; but I do not propose to allow the Government to send its physicians out there to practice medicine in my district in opposition to the physicians in my district.

Mr. COOPER of Wisconsin. Have the veterinarians or the farmers ever complained about it?

Mr. COX of Indiana. Well, they are not very wild over it or much informed about it, and I doubt if this expense has ever paid for itself.

Mr. BORLAND. Mr. Speaker, this is a pretty safe bill to vote against in any case. If it accomplishes no more than the chairman of the committee explained in his opening statement, then it is scarcely worth voting for. If it accomplishes no more than that, it would hardly find a place on the floor of the House. Pretty nearly everything in it relating to the power of the Public Health and Marine-Hospital Service is already embraced in their power, and they are to-day doing it.

For the purpose of giving the House as much information as I or any Member possesses as to the functions of that bureau, I am going to send to the desk and have read from the Congressional Directory a description of the functions of the Bureau of Public Health and Marine-Hospital Service.

The Clerk read as follows:

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The act approved July 1, 1902, "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," provides for a Bureau of Public Health and Marine-Hospital Service at Washington, comprised of seven divisions. The operations of these divisions are coordinated and are under the immediate supervision of the Surgeon General.

Through the Division of Scientific Research and Sanitation are conducted the scientific investigations of the service and the operations of the Hygienic Laboratory at Washington, established for the investigation of contagious and infectious diseases and matters relating to the public health. The advisory board of the Hygienic Laboratory consists of eight scientists eminent in laboratory work in its relation to public health, detailed from other departments of the Government and appointed from endowed institutions. The board may be called into conference with the Surgeon General at any time, the meetings not to exceed 10 days in any one fiscal year. The Surgeon General is required by law to call a conference of all State and Territorial boards of health or quarantine authorities each year, the District of Columbia included, and special conferences when called for by not less than five of said authorities, and he is also authorized to call additional conferences when, in his opinion, the interests of public health demand it. He is charged with the enforcement of the act of July 1, 1902, "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes." He has supervision of special investigations upon leprosy, conducted in Hawaii under the act of July 1, 1905.

Through the Division of Foreign and Insular Quarantine and Immigration the Surgeon General enforces the national quarantine laws and prepares the regulations relating thereto. He has control of 44 Federal quarantine stations in the United States and others in the Philippines, Hawaii, and Porto Rico, and supervises the medical officers detailed in the offices of the American consular officers at foreign ports to prevent

the introduction of contagious or infectious diseases into the United States. Under section 17 of the act approved February 20, 1907, he has supervision over the medical officers engaged in the physical and mental examinations of all arriving aliens.

Through the Division of Domestic (Interstate) Quarantine is enforced section 3 of the act of February 15, 1893, relating to the prevention of the spread of contagious or infectious diseases from one State or Territory into another. This includes the suppression of epidemics.

Through the Division of Sanitary Reports and Statistics there is collected information of the sanitary condition of foreign ports and places and ports and places within the United States, including the existence of epidemics. This information, with morbidity and mortality statistics, domestic and foreign, are published in the weekly Public Health Reports and transmitted to State and municipal health officers and other sanitarians and to collectors of customs.

Through the Division of Marine Hospitals and Relief professional care is taken of sick and disabled seamen at 23 marine hospitals and 123 other relief stations. The beneficiaries include officers and crews of registered, enrolled, or licensed vessels of the United States and of the Revenue-Cutter Service and Lighthouse Service; seamen employed on vessels of the Mississippi River Commission and of the Engineer Corps of the Army; keepers and surfmen of the Life-Saving Service. A purveying depot for the purchase and issuance of supplies is maintained at Washington. Physical examinations of keepers and surfmen of the Life-Saving Service, of officers and seamen of the Revenue-Cutter Service, and the examinations for the detection of colorblindness in masters, mates, and pilots are conducted through this division.

In the Division of Personnel and Accounts are kept the records of the officers and of the expenditures of the appropriations.

Through the Miscellaneous Division the various service publications are issued, including the annual reports, public-health reports and reprints, public-health bulletins, bulletins of the Hygienic Laboratory and Yellow Fever Institute, and the transactions of the annual conferences with State health authorities. The medical evidences of disability in claims for benefits against the Life-Saving Service are reviewed.

Mr. BORLAND. Mr. Speaker, the House can see from that brief statement about what the functions of this hospital and health service are. It is proposed now to grant an increase of salary all down the line to perform some additional duties. If this bill does not impose any additional duties beyond what were explained, there will be no justification for this bill or for the increase of salaries. If the additional duties are embraced anywhere in this bill, they are at the top of page 2:

The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof.

I believe in the old-fashioned school of medicine. While I sympathize with all others who believe in other lines of medicine and who believe in different schools for the cure of human ills, I believe they ought to have all of the liberty that is safe and consistent in this country. But here we will clothe this board with more than its proper Federal functions. It is now proposed to clothe it with part of the police powers of the State, or what will conflict directly with the police powers of the State, by giving them the right to investigate all of the conditions out of which all of the diseases of all of mankind may possibly arise. If that is not a broad power, I never heard of one. I can not conceive of a bill being drawn any broader than that.

To say that this board may study the diseases of man and the conditions influencing the propagation and spread thereof is a very broad power to grant. There is absolutely nothing under that kind of power that this board could not perform, whether it be of a local or national character. Evidently that is what has given rise to the opposition and fear of this bill. Evidently that kind of function is beyond the jurisdiction and power of the Federal board. They now have the power of calling a conference of all of the State officials in regard to contagious diseases and propagating all of the information that the State officials themselves are able to gather, either through the local aid of State officials or through their laboratories here in Washington. They have all of the information in regard to human ills that the Agricultural Department can furnish us in regard to those of animals. The Agricultural Department when it undertakes to cure hogs—and they put this on the same level with the curing of hogs—does not undertake to send out the serum and put it into the hogs. It did that once or twice, but now it sends the inquirer to the State universities.

It is trying to do those things through the State authorities, and this board could do its work through the State authorities by calling a conference, as the law provides, and having its laboratories here in the city of Washington and then sending out the information. It should act in cooperation with the State authorities. There is no need for this law and no demand for it on the part of the public and no need for this increase of salaries.

I yield three minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, I have received a letter from a very distinguished constituent of mine, President Eliot, of Harvard University, referring to the bill H. R. 30292. He says:

I am sure it is not desirable or wise that the national Public Health Service should be placed in the hands of the Surgeon General and his subordinates. The bill H. R. 30292 gives a very wide scope to the activities of the proposed public health service in lines 12 and 13 of page 1 and 1 to 5 of page 11. Over any bureau or department with such functions a civilian scientist ought certainly to preside. Lines 23 to 25 on page 11 would give the Surgeon General control over the entire National Health Service——

Mr. YOUNG of Michigan. Will the gentleman permit a suggestion right there?

Mr. McCALL. Yes.

Mr. YOUNG of Michigan. That letter evidently refers to a different bill than this, because there is no such page as page 11.

Mr. McCALL. It refers to the bill H. R. 30292.

Mr. NYE. That is this bill.

Mr. McCALL. I misread that. That is page 2. At any rate, I will read the letter. He continues:

Lines 23 to 25, on page 2, would give the Surgeon General control over the entire national health service, if Congress should make the necessary appropriation; but all the medical officers employed under that clause would be subordinates of the Surgeon General. We have never had a Surgeon General who was fit to exercise such a comprehensive control, and it is in the highest degree improbable that we ever shall have, since the training and functions of a Surgeon General do not prepare him for that kind of scientific work.

The bill makes an unwise proposal in an insidious way. It ought not to get any standing at all before Congress.

Then he goes on to refer to a certain league, which he says is a combination of all the quacks, and so forth—

against every public control of medical and surgical practitioners and of pharmacists. They also, as a rule, oppose medical research, vaccination, and the use of antitoxins of all sorts. They are opposed to the use of the collective forces of the community to protect people from the results of ignorance, superstition, and deceit. Unfortunately, diseases, like ignorance and superstition, can not be successfully resisted on the principle of respecting each individual's right to suffer, be sick, and die. Possibly there is such a right, but it can not be exercised without grave danger to many other individuals. Contagious diseases take effect on masses of people, and they can only be successfully resisted by collective action.

[Applause.]

That is signed Charles W. Eliot.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Has the gentleman from Missouri exhausted his time?

The SPEAKER pro tempore. The gentleman has exhausted his time.

Mr. MANN. How much time have I?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. MANN. I yield two minutes to the gentleman from Illinois [Mr. FOSTER]. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I am as broad, I think, and liberal in medicine as any man who ever practiced that profession. [Applause.] I would not for one minute stand upon this floor and advocate a bill that I thought was going to give to any particular school any right over any other school of medicine, but I want to say that in my judgment this bill only enlarges the power of the Public Health Service to investigate disease, to find out what causes it, and the prevention of that disease. Members to-day appear to be very much scared because they think that this health bill might go into the State and investigate some of the conditions concerning the causes of disease, and yet I have to hear the first one get upon this floor and protest against the Government spending thousands of dollars to investigate the disease of hog cholera throughout the country, of gapes in chickens, of diseases of the horse and cow, and all those troubles that concern the States. This bill is not an invasion of State rights, nor an interference of the rights of any State. Not a word has been uttered against all this. I want to say, Mr. Speaker, that if this bill passes it gives these men the right to investigate the diseases of man and the conditions surrounding the same and will put the Public Health Service upon a footing that it ought to stand upon; that is that it may have the power to go out and investigate the cause of diseases, try to prevent them, and then issue popular bulletins that go to the people that they may read them and become familiar with those causes, and how best to prevent disease affecting man. I hope, Mr. Speaker, nobody in this House to-day will feel that this is an abridgement of the right of any man to practice medicine or to select any particular school of practice that he may desire.

This bill also gives the Public Health Bureau the right to investigate the pollution of streams as affected by sewage and other causes of pollution. No man who has studied the question of water will deny that this is a most important question and one that needs careful study. A nation can not be a prosperous and happy nation without its people are healthy and strong. The cost to the people in sickness amounts to hundreds of millions of dollars each year.

The people of the South recognize of what value the discovery of the cause of yellow fever has been to that section of our country. That disease does not have its terrors since the cause has been ascertained and the means of prevention found.

There are to-day many diseases which affect man that the cause and prevention is not understood, and we hope that with a proper investigation much may be learned and thereby human lives may be saved.

This bill deals with the question of the cause and prevention of disease and not any particular kind of practice. As a physician I feel that we ought to give more attention to the investigation of this great question, and it is to be hoped that if this bill becomes a law it may be the means of saving human life. I hope the bill will pass. [Applause.]

Mr. MANN. Mr. Speaker, there is not a line in the bill, not a word in the bill that in any way will affect the rights of the States or the rights of local communities or the rights of individuals to be protected under the law in every right which they have. There is not a line or a word in the bill that confers upon the General Government or upon this department the authority to interfere with the States or municipalities, or with individuals. What does this bill do in the main? The main provision in the bill is the authority to study the pollution of the water supply of the country, the pollution of the navigable streams and the lakes of the country. If we keep on as we are going now in a few years in this country it will be impossible to drink water any more, and we will be driven to the position to which they have been driven abroad of drinking wine in place of water. [Applause.] I want to see the water supply studied; I want to see a study and investigation of *the subject in* such a way that we will be protected in the use of water, and this bill will give authority to make a study. This bill authorizes the study and investigation of diseases and the publication of the results of such investigation. It authorizes a scientific study of the diseases of man as we now make a study of the diseases of hogs and chickens, and I think it is just as much worth while for us to know about the diseases to which we are subject as it is to know about the diseases to which hogs are subject, to which our horses are subject, to which our cows are subject. The other day we passed legislation to authorize 100,000 more copies of the horse book——

A MEMBER. And the cattle book.

Mr. MANN. And 100,000 more copies of the cow book. I want to see the time when we can furnish information to the people as to the diseases to which they are subject. [Applause.] I believe by a proper study of the subject that we can eradicate many of the diseases to which the human flesh is now heir. It only takes scientific investigation and a publication of that investigation to eradicate many of those diseases. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. COX of Indiana. Division, Mr. Speaker.

The House divided; and there were—ayes 125, noes 51.

Mr. MARTIN of Colorado. Tellers, Mr. Speaker.

Mr. HINSHAW. Mr. Speaker, I demand the yeas and nays.

Mr. HEFLIN. I ask for tellers, Mr. Speaker.

Tellers were refused, 34 Members, not a sufficient number, seconding the demand.

Mr. HEFLIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER (after counting). Thirty-two Members, not a sufficient number.

Mr. HEFLIN. Mr. Speaker, I ask for the other side.

The negative vote was taken on the demand for the yeas and nays.

The SPEAKER. On this vote there are 32 yeas and 144 nays. The yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

EXTENSION OF REMARKS ON FORTIFICATION OF THE PANAMA CANAL.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent that Members may print remarks on the fortification amendment for four days.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I understand the gentleman from Vermont [Mr. FOSTER] has asked unanimous consent to print remarks on the fortification amendment to the sundry civil bill.

The SPEAKER. Yes; for four days.

Mr. TAWNEY. I have been requested by a number of Members to make that request in their behalf generally, but, of course, will not do so now.

GENERAL DEFICIENCY BILL.

Mr. TAWNEY, by direction of the Committee on Appropriations, reported a bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911, and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 2268), ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

BONDING OF GOVERNMENT EMPLOYEES.

Mr. TAWNEY, from the Committee on Appropriations, submitted a report (No. 2267) of the joint commission of Congress to inquire into the rate of premium heretofore and now being charged, as well as those proposed to be charged, by surety or bonding companies for bonds of officers or employees of the United States, which was referred to the House Calendar and ordered to be printed.

GOLD BULLION AND FOREIGN GOLD COIN.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 10457 and pass the same.

The SPEAKER. The gentleman from New York moves to suspend the rules and take from the Speaker's table the following Senate bill and pass the same, which bill the Clerk will report.

The Clerk read as follows:

A bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907.

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 4, 1907, be, and the same is hereby, further amended so as to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States, in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided,* That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further,* That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further,* That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further,* That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than $1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. I am not opposed to this bill, Mr. Speaker, but in order that the House may understand what the bill is, unless someone who is opposed to it desires a second, I will demand a second myself.

The SPEAKER. A second is ordered under the rule. The gentleman from New York [Mr. PAYNE] is entitled to 20 minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to 20 minutes.

Mr. PAYNE. Mr. Speaker, this bill is identical with House bill 31857, to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907, which bill was reported unanimously from the Committee on Ways and Means. It simply allows the Secretary of the Treasury to issue certificates for the value of the gold bullion and gold coin that has been deposited in the Treasury of the United States or in the subtreasuries at New York and San Francisco, I believe.

One object of the bill is to get rid of the expense of recoinage. Under the present practice a large amount of foreign coin is brought into the United States and recoined here and then sent

abroad and recoined there, and this would save the expense of our recoinage. It amends the section of the act which provides for the coinage of gold into coin and the issuance of certificates against that; but the chief object of this bill is to save the coinage of the gold bullion and the gold bars that are deposited in the Treasury and issuing certificates therefor similar to those issued for gold coin.

Mr. NORRIS. Will the gentleman yield?

Mr. PAYNE. Certainly.

Mr. NORRIS. I would like to ask the gentleman whether the bill provides what these certificates shall be called. Will they be a new form of certificate?

Mr. PAYNE. It does not give any particular name to them. It simply authorizes the Secretary of the Treasury to issue certificates for the gold bullion deposited. Of course, they would be similar.

Mr. NORRIS. Are they the same as the present gold certificates?

Mr. PAYNE. They would pass as currency the same as the present gold certificates, and would be of the same value as the bullion represented by these certificates, just as the present certificates certify that gold coin has been deposited in the Treasury to such and such a value.

Mr. NORRIS. Does the law provide that they shall be a legal tender?

Mr. PAYNE. There is no express provision to that effect.

Mr. TAWNEY. There is no express provision to that effect in this act, but there is provision in the general law.

Mr. NORRIS. Would that apply to these certificates?

Mr. PAYNE. This law becomes a part of the act of 1900 and to the amendment of that act in 1907, which requires that all of these certificates shall be redeemed in gold coin.

Mr. TAWNEY. There is another provision of law, carried on the sundry civil appropriation bill, which authorizes the printing of the certificates and requires them all to be of the same size—uniform in size.

Mr. NORRIS. On the presentation of these certificates the Government would have to pay them, not in gold coin, but in bullion?

Mr. PAYNE. In gold coin.

Mr. NORRIS. They would deposit gold bullion, and the men who had them redeemed would get gold coin?

Mr. PAYNE. They are redeemable in gold coin.

Mr. NORRIS. That would obviate the necessity of the coinage of the gold?

Mr. PAYNE. Yes; and it would save the expense of it.

Mr. NORRIS. There might come a time when they would have to coin this bullion in order to have enough gold with which to redeem these certificates.

Mr. PAYNE. That is provided for.

Mr. BENNET of New York. I will ask the gentleman, Would this effect a saving to the Government?

Mr. PAYNE. In answer to that I would say that the Secretary of the Treasury, in his letter, under date of December 10, 1910, addressed to the Speaker of the House of Representatives, said that—

> During the last 20 years there has been imported into this country $379,000,000 in foreign gold coin, and of this amount $311,000,000 was deposited at the mints for recoinage. In the meantime, $829,000,000 of the United States gold coin has been exported. The $311,000,000 of foreign gold coin was recoined at our mints at the expense of our Government, while more than double that amount of our own money was exported during the same period. The coinage of $311,000,000 of foreign gold coin into American coin must have cost at least $800,000, or $40,000 per year.
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> We have now some $940,000,000 in gold coin stored away in the various subtreasuries and mints, the greater part of which is a reserve against gold certificates that in all likelihood will never be presented for redemption in coin. In the majority of cases where gold certificates are presented in large quantities for redemption it is for the purpose of securing gold bars, yet we continue to coin each year nearly $100,000,000 in gold, at an annual cost of somewhere between $200,000 and $300,000. If gold certificates might be issued against this gold bullion, the major part of this cost would be saved without in any way impairing the redeemability of the certificates, and at the same time bankers and exchange dealers could be in a position to secure bars, which they prefer for purposes of export, with greater promptness and less expense. In view of the fact that America produces nearly $100,000,000 in gold per year, and that the inevitable drift of gold must be from America, it is peculiarly reasonable that a considerable part of the gold which we produce should not be transformed at once into coin.
>
> The plan contemplated in the following-suggested bill offers abundant safeguards against the excessive reduction of the deposits of United States coin gold held against the certificates in requiring that the amount of gold bullion so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding and in providing that the receipt of gold bullion and foreign gold coin shall always remain at the discretion of the Secretary of the Treasury.

I can not see any possible objection upon the part of any gentleman to the bill.

Mr. BENNET of New York. As I understand, it saves $200,000 or $300,000 a year to the Government.

Mr. PAYNE. Yes. Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. I notice that this bill does not provide that these certificates shall be legal tender. It provides that such certificates shall be receivable for taxes and customs, and so forth.

Mr. PAYNE. This is an amendment to section 6. The other sections do provide that the certificates under the act are legal tender.

Mr. WILSON of Pennsylvania. I wanted to get the information, because I wanted to know what the effect would be not only upon these certificates, but upon other certificates, if these were not made legal tender.

Mr. PAYNE. They have the same legal status that the other certificates have. By the other sections of the bill all the certificates issued are put in the same class and have the same provision in regard to redeemability.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

WHITE PHOSPHORUS MATCHES.

Mr. DALZELL. Mr. Speaker, I move to suspend the rules and pass House joint resolution 290, authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress.

The Clerk read the joint resolution, as follows:

> Whereas the President in his message of December, 1910, called the attention of Congress to the diseases incident to the manufacture of white phosphorus matches, and the very serious injury caused to many persons employed therein, and recommended remedial and corrective legislation therefor; and
>
> Whereas the legislation proposed looks to the prohibition of the manufacture of white phosphorus matches from and after July 1, 1912, and the sale of such product from and after July 1, 1914: Therefore
>
> *Resolved, etc.*, That the President is hereby authorized and requested to designate and employ a competent person to visit the match factories of the United States, examine the conditions under which the business is carried on, and report to Congress in December, 1911, as follows:
>
> First. Present conditions of manufacture as affecting the health of the employees.
>
> Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.
>
> Third. Whether these substitutes are free from patent control and secret formulas for manufacture and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.
>
> Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way now restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.
>
> SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of this inquiry and investigation.

The SPEAKER. Is a second demanded?

Mr. PARSONS. Mr. Speaker, I demand a second.

Mr. COX of Indiana. I do not know that I am opposed to the bill, but I would like some explanation of it.

The SPEAKER. Under the rule a second is ordered.

Mr. DALZELL. Mr. Speaker, it will be observed that this does not propose any legislation at the present time. It is a joint resolution in lieu of the bill popularly known as the "Esch phosphorus bill." That bill would not go into effect as to a part of its provisions until the 1st of July, 1912, and as to the remaining provisions until July, 1914. The committee did not consider that it has now sufficient information to pass on the questions involved in the bill, and simply reported in lieu of the bill this resolution, which authorizes and directs the President to make an investigation and report at the next session of Congress.

Mr. COX of Indiana. Does the gentleman think that the investigation can be made and the report had at the next session?

Mr. DALZELL. I think so.

Mr. PARSONS. Why is there an investigation needed? Has not the Bureau of Labor investigated the subject?

Mr. DALZELL. It has to a certain extent, but not so thoroughly as the committee thinks it ought.

Mr. PARSONS. In what respect?

Mr. DALZELL. Well, because notwithstanding the question of investigation made by the bureau, there is some question as to whether the passage of the bill in its present shape would not create a monopoly in the manufacture of matches. It is a long story, but I will recite it if gentlemen wish.

The Esch phosphorus bill, in lieu of which this resolution is reported, proposes to tax out of existence the manufacture of matches with white phosphorus. After the first hearing by the committee it appeared that to pass the bill as introduced would be to create a monopoly in the Diamond Match Co., manufacturers of matches in this country. While this was true, there came a pressure from some source or other, so that the Diamond Match Co. was induced in the first place to offer an agreement to the so-called independent match manufacturers that upon payment of a certain amount of money and the performance of certain things the Diamond Match Co. would grant them the use of the French patent under which that company manufactured; still the agreement appeared to the committee to be so unfair that it was not willing to accept it is a justification to the committee in recommending the passage of the bill. Subsequently the Diamond Match Co. surrendered its patent.

But there still remained in the committee a serious doubt as to whether the safe material out of which the Diamond Match Co. makes its matches can be procured in sufficient quantities by outside companies to carry on their business. Furthermore, questions arose as to patented machinery and patented processes, and all that sort of thing, and the committee is not prepared to say now that to report the bill in the shape in which it came to it would not be to establish a monopoly in the manufacture of matches in this country.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. Does this danger of a monopoly arise out of something connected with patents?

Mr. DALZELL. Out of the fact that the Diamond Match Co. owned a French patent for manufacturing sesquisulphide, which is the only known to be safe material out of which to manufacture safety matches.

Mr. HINSHAW. I understood the gentleman to say that they had canceled the patent.

Mr. DALZELL. They canceled the patent, but there is a question whether or not a sufficient quantity of sesquisulphide, which is controlled by the Diamond Match Co., can be furnished to the independent matchmakers.

Mr. LONGWORTH. I suggest also to my colleague that it is a serious question, as shown by the hearings, whether the passage of the bill in its original form would in fact stop the manufacture of white sulphur matches.

Mr. DALZELL. That is true.

Mr. CALDER. It would not.

Mr. COX of Indiana. Is there any bureau in the Government capable of making this investigation?

Mr. DALZELL. I think there are several.

Mr. COX of Indiana. The gentleman thinks they would have time to do it between now and the convening of Congress?

Mr. DALZELL. I think all of the investigation that is necessary could be made between now and the convening of Congress, certainly in time to legislate at the next Congress.

Mr. COX of Indiana. Does the gentleman express any opinion on this proposition, as to whether or not there is a trust existing in the manufacture of matches?

Mr. DALZELL. Oh, I think there would be if the bill as introduced were passed.

Mr. PARSONS. Will this investigation be confined to matters here, or will they investigate matters abroad also?

Mr. DALZELL. I will read to the gentleman what is proposed to be investigated:

SECTION 1. The President is hereby authorized and requested to designate and employ a competent person to visit the match factories of the United States, examining the conditions under which the business is carried on, and report to Congress in December, 1911, as follows:

First. Present conditions of manufacture as affecting the health of the employees.

Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.

Third. Whether these substitutes are free from patent control and secret formulas for manufacturing and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.

Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way now restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.

SEC. 2. The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated for the purposes of this inquiry and investigation.

Mr. GAINES. Mr. Speaker, if my colleague will permit me a moment, I think that I can answer the question of the gentleman from New York [Mr. PARSONS]. If it is in order, or if I can get unanimous consent if not in order, I would like to offer an amendment to page 2, line 15, to insert after the word "conditions" the words "and cost in this and foreign countries," so that the investigation would include not only looking into the matter of whether this business is controlled by a trust in our own country, but the extent to which it is also controlled in foreign countries.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GAINES. If the gentleman from Pennsylvania will permit.

Mr. COX of Indiana. I would like to ask the gentleman whether he does not believe the Tariff Board could investigate this condition.

Mr. GAINES. The Tariff Board might, in the course of time, reach that; but it was supposed that this matter sounded in the public health and that there ought to be some quicker action. I think that is the answer.

Mr. DALZELL. Mr. Speaker, while I do not see any objection to the amendment of my colleague, still, at the same time, it seems to me that $5,000 would not cover an investigation of that character.

Mr. HUGHES of New Jersey. I would have to object to that.

Mr. JAMES. They already have that right under the bill.

Mr. PARSONS. But the first part of the bill does refer to visiting factories in the United States, and it might be construed to be limited to the United States.

Mr. JAMES. But the language directing the investigation of the trust or monopoly does not confine it to the United States. The language of the bill is "whether controlled by any combination or trust." It does not say in the United States at all.

Mr. PARSONS. That might be so, and unless they can investigate conditions abroad then we will not learn what they have been able to do in foreign countries where they have rid themselves of these white phosphorus matches.

Mr. DALZELL. Mr. Speaker, I now yield five minutes to the gentleman from Wisconsin [Mr. ESCH], the author of the bill.

Mr. ESCH. Mr. Speaker, this resolution is not what I had hoped as the result of the introduction of the bill last June seeking to prevent the use of white or yellow phosphorus in the manufacture of matches. A hearing was had before the Committee on Ways and Means and men expert in the matter presented their views, and disclosed a state of facts which would render it inadvisable to much longer defend legislation seeking to prevent the use of a poison in the making of matches. However, as this resolution is the utmost which the Committee on Ways and Means are willing to report at this time, I am content to support it. We sought by several means to prevent the use of the white or yellow phosphorus. We thought at one time it might be done by the exercise of the power given under the interstate-commerce clause of the Constitution, but we found that that would not be a sufficient preventive, because factories could establish themselves in the several States, confine their operations to those States, and thus continue the use of this poison. Therefore we thought we would use the taxing power of the Constitution to prevent the use of this poison. The bill introduced by me is based upon that proposition. Now, this resolution directs that a special investigation be made as to the extent of the use of white or yellow phosphorus and of possible innoxious substitutes, as to patents that are now used and as to questions of monopoly, if any such monopoly exist, in the matchmaking industry. The information thus obtained doubtless will be of value, yet there is in a Government publication already an exhaustive report as to the use of white and yellow phosphorus in the match factories of this country. The January, 1910, number of the Bulletin of the Bureau of Labor gives the location of every factory and gives numerous instances of the disease known as necrosis.

The showing is of such a character as to make every man in this House favor some legislation that will prevent this terrible occupational disease. We sought it in the bill that we have introduced, but if that bill is imperfect in form or in the character of the penalties prescribed, we are willing to submit to any amendment that may be offered to perfect it. Possibly this resolution will disclose some additional evidence to enlighten the committee and the Members of Congress as to the character of the legislation we should enact. Let the purpose of Congress be to destroy this occupational disease. This plan of legislation is to my mind the only effective form to reach that

desirable end. A large percentage of the matches now made in this country are made of white and yellow phosphorus, made by the Diamond Match Factory, a so-called trust, and this trust owns the French patent for the use of the sesquisulphide of phosphorus, an innocuous substitute. It has voluntarily canceled its patent, leaving the sesquisulphide available to any manufacturer who wants to use it.

Mr. COX of Indiana. When did they do that?

Mr. ESCH. They did that within one month, as the result of the agitation following the introduction of the bill.

Mr. COX of Indiana. That was the very question I was about to ask the gentleman.

Mr. ESCH. So that if no legislation follows now, the agitation will have had that effect. There are other innoxious elements that can be used as well as sesquisulphide, and are now being used in some continental countries. I want to say every considerable country, England and most every other country of Europe, is prohibiting the use of white or yellow phosphorus, while America, claiming a superior civilization, permits the use of this poison in the manufacture of matches.

Mr. PARSONS. Will the gentleman permit a question? Does the gentleman think that the Congress would get the information it needs if this investigation is confined to the United States? Ought it not to be an investigation of the conditions in other countries also?

Mr. ESCH. I think the investigation in the United States will disclose sufficient information for Congress to act upon. The idea is to get that information as speedily as possible. England is using the French patent, the sesquisulphide, and continental Europe is using the red or scarlet phosphorus, which is innoxious. I believe the thing to do is to get the information and to act thereon.

Mr. MOORE of Pennsylvania. Can the gentleman give any information in regard to the fire losses or loss of life by the use of these matches?

Mr. ESCH. It is extremely large, and it is one of the things that might largely be avoided by the use of these substitutes.

Mr. YOUNG of New York. I want to ask the gentleman a question with regard to Japan, where matches are made very largely.

Mr. ESCH. I have no information with regard to that. One of the most encouraging signs of the present day is the increasing interest now being taken in protecting the health and well-being of our laboring classes. Not only is this true with reference to State legislatures, but it is also true with reference to Congress. The safety-appliance acts and the locomotive-boiler inspection bill just passed, together with provisions securing greater safety to railway mail clerks by requiring the use on the part of common carriers of steel mail cars, indicate that Congress is directing its attention along humanitarian lines, and is doing what it can, under constitutional limitations, to safeguard the lives of employees of the Government as well as of the common carriers, and incidentally of the general public.

The establishment of labor bureaus and the enactment of laws placing upon employers the liability for injuries received in line of duty by their employees; the regulation of the hours of labor; the prevention of child labor; and the amelioration of the working conditions of women on the part of State legislatures attest this new spirit in matters of legislation.

This movement has only started. It is far from being consummated, but we should feel encouraged at the progress already made. Both State and Nation have for years been legislating to prevent injuries to our fruits and grains and for the protection of our food animals, and the result of such legislation has saved millions of dollars to our people and added largely to the quality and amount of our agricultural products. No one will or can raise an objection to this class of legislation, but it seems inconsistent that for so many years so much attention should be given to the protection of our crops and domestic animals, while protection to the human animal has been wholly ignored.

The study of occupational diseases in the United States has been sadly neglected. Our industrial European rivals have far outstripped us in this particular and have enacted stringent laws, both protective and regulatory, in order to wholly abolish or to minimize such diseases. Only a few States have sought to protect human life against occupational diseases. With increase of our population and of our manufacturing interests the need of such legislation is ever increasing. We are beginning to realize that it is not economy to permit any industry to injure the health or take the life of a workman, and thereby possibly impose upon the public the care and keep of himself or of his family.

The new thought now engaging the minds of progressive men and women everywhere is to place the burden of the death or injury or loss of health of the workman, not upon his shoulders, or, in the case of his death, upon those of his widow or orphaned children, but upon the industry itself, thereby distributing it upon the public at large.

In the carrying out of this thought there was organized in this country five or six years ago the American branch of the International Association for Labor Legislation. This branch has already taken an active interest in promoting legislation aiming to improve the condition of the American workmen and has given much attention to the investigation of occupational diseases.

In the fall of 1908 Dr. John B. Andrews, secretary of the American Association for Labor Legislation, entered upon the study and investigation of "phosphorus necrosis," commonly known as "phossy jaw," an occupational disease connected with the manufacture of matches with white and yellow phosphorus. Shortly after he had started his investigations the Commissioner of Labor, Hon. Charles P. Neill, started a like investigation, and Dr. Andrews was invited to cooperate. The result of their joint labors was published in the January (1910) number of the Bulletin of the Bureau of Labor. The report is exhaustive, practically every match factory in the United States having been investigated personally, either by Dr. Andrews or some official of the Bureau of Labor.

It was found that there were 16 match factories in the United States in 1909, employing 3,591 persons, of which 2,024 were males and 1,253 females 16 years of age or over. The number of children under 16 years of age employed was 314.

Sixteen definite cases of phosphorus poisoning were discovered, and talks with factory managers disclosed the fact that many other cases had occurred. An investigation made by Dr. Andrews in the homes of the work people of 3 of the factories disclosed a total of 82 cases. In 2 factories 8 perfectly authenticated serious cases were found to have occurred during 1909, and references were found to 3 more. Moreover, he discovered records of more than 100 cases within a very short time, notwithstanding the claims made by some of the match manufacturers that this disease had not existed in a serious form for 20 years in this country.

Dr. Andrews further reports as follows:

> In one small factory records were secured of more than 20 serious cases during the past 30 years, many of them requiring the removal of an entire jaw. This factory has been under its present ownership since 1892. In one of the most modern establishments, owned by the same company since 1880, records of 40 cases of phosphorus poisoning were secured. Of this number 15 resulted in permanent deformity through the loss of one or both jaws, and several cases resulted in death. * * * In another factory the records of 21 cases were secured, 6 of which were in the year 1909.

The detailed investigation in 15 out of the 16 factories doing business in the United States showed that 65 per cent of the employees were working under conditions which subjected them to the fumes of the phosphorus and the danger of phosphorus poisoning and that the women and children were much more exposed than the men, 95 per cent of the women and 83 per cent of the children under 16 years of age being so exposed.

The number of cases disclosed by this investigation, while very impressive, is not so impressive as the loathsome character of the disease itself. It results from the breathing of the phosphorus fumes in the mixing, dipping, drying, and packing rooms of the factories and from contact with the phosphorus itself, particles becoming attached to the hands and later being transferred to the mouth.

> One of the general effects most frequently noticed in the cases of chronic phosphorus poisoning is anemia and a lowering of vitality. The peculiar local form, however, of phosphorus necrosis is caused by the absorption of the phosphorus through the teeth or gums, minute particles of the poison entering usually through the cavities of decayed teeth, setting up inflammation which, if not quickly arrested, extends along the jaw, killing the teeth and bones.
>
> The gums become swollen and purple, the teeth loosen and drop out, and the jawbones slowly decompose and pass away in the form of nauseating pus, which sometimes breaks through the neck in the form of an abscess or, if not almost continually washed out, oozes into the mouth, where it mixes with the saliva and is swallowed.

When once this disease is established a surgical operation is often the only means of arresting the process of decay. In many instances it has been found necessary to remove the entire jaw, and in several cases both jaws have been removed at a single operation.

The evil effects of the use of phosphorus in the manufacture of matches was discovered in Europe shortly after the invention of the phosphorus match. For a time some of the European countries sought to lessen this disease or to wholly eradicate it through regulation. This regulation consisted in the

rigid inspection of the factories, thorough sanitation, thorough ventilation, and other means of making the workrooms sanitary, the enforcement of rigid rules as to hours of labor, cleanliness, and inspection of the teeth of the employees by competent experts. Notwithstanding such regulation, however, this terrible disease continued to prevail, although in somewhat lessened degree. As a result of these rigid requirements and the increased cost to the manufacturer resulting from their enforcement, many small establishments were wiped out, and because of the complaints from small manufacturers some of the Governments, like Switzerland, abandoned regulation and finally resorted to the prohibition of the use of the poisonous phosphorus.

In 1872 Finland prohibited the use of white phosphorus in her match factories. Denmark followed in 1874. In these countries no case of phosphorus necrosis has been discovered in the last 35 years.

In France the matchmaking business is in the hands of the Government. As it reimburses its own employees injured in its service and the cost for reimbursement resulting from phosphorus poisoning became a series charge on its treasury it appointed a commission to find an innocuous substitute. As a result the sesquisulphide of phosphorus was discovered, and shortly thereafter, in 1897, France prohibited the use of white phosphorus.

Switzerland decided on prohibition in 1898; the Netherlands in 1901. In 1906 the International Association for Labor Legislation secured an international convention at Berne, Switzerland, which resulted in an international treaty, providing for the "absolute prohibition of the manufacture, importation, or sale of matches made from white phosphorus." This treaty was signed by France, Denmark, Luxemburg, Italy, Switzerland, the Netherlands, and Germany.

In December, 1908, after a most rigid test by way of regulation, England came to the conclusion that the only way to eradicate the disease was through prohibition, and passed an act which became effective January 1, 1910, and joined the other countries in signing the Berne treaty.

Section 1 of the British act is as follows:

> It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phorphorus is so used shall be deemed to be a factory not kept in conformity with the factory and workshop act, 1901, and that act shall apply accordingly.

Sweden does not permit the use of the poisonous matches at home, but allows their manufacture for export to other countries, including the United States.

Russia has attempted to eradicate the disease by taxing matches made out of white phosphorus. She has so far succeeded that in 1906 only 1 out of every 50 matches manufactured within her domains contained the poisonous phosphorus.

In addition to the countries already mentioned, Austria and Spain have prohibited the use of white phosphorus, while Australia has prohibited the importation of matches made of this material.

On November 24, 1910, a bill was introduced in the Canadian House of Commons framed along the lines of the British act. Section 3 of this proposed act is as follows:

> It shall not be lawful for any person to use white phosphorus in the manufacture of matches.

Section 4 prohibits the importation into Canada of matches made of this material.

It will thus be seen that practically every civilized country, with the exception of Japan, Belgium, and Hungary, which have laws strictly regulating the operation of match factories, and the United States, have prohibited the use of this dangerous poison.

Not a single State has passed laws prohibiting its use, only the State of Ohio restricting the employment of children in match factories. Three other States—New York, Pennsylvania, and Oklahoma—have endeavored to prevent employers from using children of tender years in match manufacturing, but such legislation affords no protection to older employees.

In the matter of protecting the health of employees in match factories, the United States holds the unenviable position of being the leading civilized nation of the world which does not prohibit either the exportation or importation or the manufacture for domestic use of white phosphorus matches. The necessity for such legislation from the data thus far furnished being manifest, the question arises how best to meet this evil and eradicate it.

Several methods of procedure and lines of relief have been proposed, namely: (1) Through State regulation or prohibition; (2) through the treaty-making power of the Federal Government; (3) through the power granted by the commerce clause of the Federal Constitution; (4) through the taxing power under the Constitution.

A brief discussion of each of these plans or methods may be of interest:

First. Owing to the ever-increasing interstate character of modern business, State regulation or prohibition will be wholly ineffective. If one State sought to control the match-making industry by rigid and suppressive limitations, necessitating inspection, sanitation, and medical attendance, the factories of such State would be unable to meet the competition of manufacturers of other States who are not subjected to such control, nor could such State prohibit the introduction of poisonous matches within its borders which had been manufactured in other States, the same being at the time an article of interstate commerce.

If such State method of regulation sought to prohibit the manufacture of matches made out of white or yellow phosphorus, it would drive the match-making industry beyond its borders, as the manufacturer, being compelled to use an innocuous but more expensive substitute, would again be unable to meet the competition of outside manufacturers. In either event, the State would by its own act lose an industry. Moreover, the task of securing such regulation of this industry in all the States of the Union would be almost insurmountable. There would be no assurance that there would be uniformity in such legislation. Every State would fix its own standards and its own requirements, and there would be every degree of enforcement of these several State laws. It would be exceedingly difficult and burdensome for the manufacturers doing an extensive interstate business to comply with the varying provisions of the enactments of the several States. There would be the same necessity for the uniformity of standards and requirements in this matter, as was found to be necessary when Congress enacted the pure foods and drugs act. Even though the manufacturers may be prohibited from the manufacture of poisonous matches for sale within the State, this prohibition of the State would not extend to matches manufactured by them, but sold for interstate shipments. From every aspect, therefore, State regulation or prohibition would bring chaos to the match-making industry and would eventually prove burdensome if not ineffectual.

Second. Nor would it be possible through the treaty-making power to prohibit the manufacture of matches within the several States. The treaty-making power could only extend to the prohibition of the importation and exportation of matches made out of white or yellow phosphorus. In other words, it could only extend to commercial relations between ourselves and foreign countries.

As the United States has not as yet signed the Berne treaty and as no law has as yet been passed by Congress prohibiting the importation of white phosphorus matches, American citizens are helpless as against such importation. It must be stated, however, that few such matches are now imported, the great majority being safety matches made with the use of a nonpoisonous substance. As the United States exported in 1908 only $68,000 worth of matches of domestic make, prohibition of exportation would not be a serious restraint of our match-making industry.

As stated in the excellent brief of Miles M. Dawson, counsel for the American Association for Labor Legislation, filed with the Committee on Ways and Means—

> The Government may enter into a treaty to prohibit the exportation or the importation of matches manufactured with poisonous phosphorus, but to attempt to prohibit their manufacture within a State, for sale therein, would be to invade the internal police of the States under the form of a treaty, but without any connection with international relations. The Federal Government may by treaty confer rights on foreigners, but can scarcely enter into stipulations, the only effect of which would be upon its own citizens, not in any relation to the foreign government, but wholly in their relation to one another.

Third. Can white or yellow phosphorus in the match-making industry be effectually prohibited under the commerce clause of the Constitution? I do not believe that any law which Congress could enact under such a warrant would be effective. I have no doubt of the power of Congress to pass a law prohibiting the transportation in interstate commerce of matches made of white or yellow phosphorus. The pure foods and drugs act, the vaccine act, and other similar legislation might be cited in support of such proposed legislation.

Such legislation could not prevent the manufacture of matches for sale within a State, and as many of our States afford ample markets for the output of any single factory, its total output, if confined to its own State, would be wholly beyond the reach of an act of Congress.

Fourth. The only recourse, therefore, providing the effectual remedy necessary is the taxing power as exercised by Congress under constitutional limitations.

Section 8 of Article I of the Constitution requires that "All duties, imposts, and excises shall be uniform throughout the United States," and section 9 of the same article provides that

no capitation or other direct tax shall be laid unless in proportion to the census or enumeration provided for in that instrument.

Subject to these two limitations and the prohibition as to exports, Congress can tax all taxable objects, even though such tax results in the destruction of an industry, for under the decision of Chief Justice Marshall, in the case of McCullough *v.* Maryland, "The power to tax involves the power to destroy." This power has been exercised by Congress in several independent instances, and the legislation has been upheld by the Supreme Court.

In the case of Hilton *v.* The United States, decided in 1796, a tax on carriages was held valid.

In Veazie Bank *v.* Fenno, decided in 1869, a prohibitive tax levied on the circulating notes of State banks was sustained, the court holding it a tax which "may very well be classed under the head of duties," and declaring:

> The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts, but to the people by whom its members are elected.

In the case of McCrea *v.* United States, decided in 1904, the tax on oleomargarine colored in imitation of butter was upheld.

The imposition of a tax of 1 cent per 100 matches, as provided in the bill, would be prohibitive and would compel the use of an innocuous substitute such as the sesquisulphide of phosphorus.

After a thorough examination of these several forms of remedial legislation, I came to the conclusion that the last form would be the most effectual, and therefore, at the request of the American Association for Labor Legislation, I introduced on June 3 the first draft of a bill providing for such a tax.

This bill was drawn up by the above association. After much consideration and consultation with various departments of the Government, certain amendments were suggested so as to make the law workable, the final result being the introduction, on December 19, 1910, of House bill 30022, entitled "A bill to provide for a tax on white phosphorus, and for other purposes."

Upon this bill elaborate hearings were had before the House Committee on Ways and Means, but no final action was taken at this session.

As a result of the investigation made by Dr. Andrews and published in the bulletin of the Bureau of Labor, and the publicity given to this report throughout the country, and the agitation which such publicity aroused and the new agitation following the introduction of the bill last June, the President became so deeply interested as to the necessity of legislation by Congress to put an end to the baneful effects of the use of the poisonous phosphorus in the manufacture of matches, that in his annual message to Congress last December he made a recommendation in the following words:

> I invite attention to the very serious injury caused to all those who are engaged in the manufacture of phosphorus matches. The diseases incident to this are frightful, and as matches can be made from other materials entirely innocuous, I believe that the injurious manufacture could be discouraged and ought to be discouraged by the imposition of a heavy Federal tax. I recommend the adoption of this method of stamping out a very serious abuse.

Notwithstanding the widespread interest manifested on this subject and appeals that came to Congress from thousands of citizens, civic bodies, and State legislatures, the Committee on Ways and Means did not believe that it was in such full possession of all the facts as to warrant final action on the bill last introduced by me.

In lieu of reporting this bill to the House with a favorable recommendation, the committee on February 21 reported a joint resolution authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report at the next regular session of Congress.

The scope of such investigation is contained in these words:

> First. Present conditions of manufacture as affecting the health of employees.
>
> Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.
>
> Third. Whether these substitutes are free from patent control and secret formulas for manufacture and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.
>
> Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.
>
> SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of this inquiry and investigation.

This resolution, after debate on the floor, was adopted without amendment on February 27, and was sent over to the Senate, where it was amended by striking out practically all of its provisions and substituting one confining the investigation to this single inquiry, "Whether or not white phosphorus matches were fit subjects for interstate commerce."

The House refused to concur in the Senate amendment, and asked for a conference. The conferees met, but failed to agree, and so the resolution failed of passage. This leaves the entire subject to be revived in the Sixty-second Congress, but the discussion of the bill, and the publicity given to the same, and the widespread demand which has come from every State of the Union for this legislation have assured me that Congress will not long defer favorable action thereon. Even though both the bill and the resolution failed, some good has already come as a result of their consideration.

Shortly after the introduction of the first bill in June, 1910, the Diamond Match Co., an alleged trust, producing over 66 per cent of all the matches manufactured in the United States, felt that legislation either by the several States or by Congress was inevitable. It therefore went on record as favoring Federal as against State legislation, and made overtures to the various independent manufacturers of the country looking to an agreement whereby they—both trust and independents—should discontinue the use of the white and yellow phosphorus and substitute the sesquisulphide form of phosphorus, this being considered the most innocuous and at the same time most practical.

As the Diamond Match Co. had, however, purchased of the French Republic about 12 years ago the sesquisulphide patent, it controlled its use in the United States, and therefore had an advantage over the independent manufacturers. If the bill as originally introduced had passed and the Diamond Match Co. retained its patent rights, it would have strengthened its hold upon the match-making industry, not merely on account of its larger output, but because of its ownership of this patent, and on this account the independents protested against its enactment.

The Diamond Match Co. thereupon voluntarily agreed, in writing, to grant to the several independents the license to use the sesquisulphide process on an equal footing with itself upon certain conditions.

These conditions were as follows:

> The Diamond Match Co. proposes to license manufacturers upon these terms: They will be compelled to pay to the Diamond Co. a proportion of the $100,000 which the Diamond Co. claims to have paid for the patent right in the United States; and in event of the licensee increasing its output beyond that of the year ending June 30, 1910, it is compelled to pay the Diamond Co. a royalty amounting to four-tenths of 1 per cent per 1,000 matches, or about 26 cents per case.

These conditions were accepted by several of the independent manufacturers, but others protested on the ground that the proposed royalty would absolutely prevent any increase in output for their concerns, and would absolutely prevent engaging in the business on the part of any new enterprise. Because of these protests, the Diamond Match Co. subsequently modified this license agreement by cutting out all these limitations, thus seemingly removing all obstacles, save that of permitting new manufacturers on equal terms with those already engaged in the business. To overcome this obstacle the Diamond Match Co., in writing, transferred its patent to a board of three trustees, consisting of Prof. Edwin R. A. Seligman, of New York; Hon. Charles P. Neill, Commissioner of Labor; and Hon. Jackson H. Ralston, of Washington, attorney for the American Federation of Labor. This transfer was made January 6 of this year. This board was given full power to grant licenses to all applicants on reasonable terms for the use of the sesquisulphide of phosphorus.

This action on the part of the Match Trust relieved it of any charge that the enactment of my bill would be of interest to it in promoting its monopoly. In further refutation of this charge it might be stated that by the terms of the bill, it would not become effective until June 1, 1912, and the sesquisulphide patent expires in 1915.

Notwithstanding this transfer of all its rights under its patent of the Diamond Match Co. to this board of trustees, insistent and persistent objections continued to be made against the passage of the bill on the ground that its passage would create a monopoly.

In a letter addressed by this board to President Taft on January 24, 1911, it urged the President—

> * * * to inquire as to the advisability of requesting the Diamond Match Co. and its licensees, in the interest of this humane legislation, to cancel the patent, and thereby grant its free use to all other American match manufacturers. Such a step would, we believe, result in removing the already groundless suspicion of monopoly and, as a consequence, force the opponents of the measure to disclose the actual grounds of their opposition.

In response to this suggestion President Taft, on January 26, replied as follows:

My great anxiety to see American labor protected from the ravages of a wholly unnecessary and loathsome disease to the same extent that foreign countries, including Great Britain, have protected their working people in match factories prompts me to believe that everybody would, of course, be glad to see the owner of the patent and its licensees take the public-spirited action of canceling the patent for the use of sesquisulphide in order that this harmless substitute may be gratuitously used by all other American match manufacturers, for it ought to have the effect of dispelling any fear that the enactment of this legislation would result in a monopoly in the match industry.

In response to this intimation to cancel its patent, the Diamond Match Co. and this board of trustees on January 28 of this year filed with the Commissioner of Patents a certificate declaring the surrender of said letters patent for cancellation and formally abandoning and dedicating the invention to the public of the United States of America forever.

This generous and unheard-of action on the part of the Diamond Match Trust absolutely removed the last ground of objection to the bill so far as the independent manufacturers or those contemplating entering the matchmaking industry were concerned, and there can be left but one legitimate argument against its passage, and that is the argument that it seeks to destroy an industry by the exercise of the taxing power.

In view of the humanitarian purpose of the bill and the improbability that its enactment would be considered as a precedent and the conclusive fact that like legislation for a similar purpose has previously been enacted and the overwhelming demand that it be enacted, no reasonable excuse can now be given for further delay.

As indicative of the interest manifested by the press of the country I herewith attach editorials from prominent newspapers in all sections of the United States.

There is another phase of this legislation which has greatly interested a class of people wholly distinct from the match manufacturers or their employees. This class consists of the insurance companies and their policy holders, who see in the enactment of this legislation, which will require the substitution for the dangerous and deadly parlor match of a safe substitute. As indicating the interest shown by the insurers of life and property I have added two letters, both addressed to Hon. J. HAMPTON MOORE, a Member of the House from Pennsylvania, one from Louis W. Amonson, president of the People's National Fire Insurance Co., of Philadelphia, Pa, the other from Clarence E. Porter, president of the Spring Garden Insurance Co., also of Philadelphia.

There is also added an article from Insurance Statistics, showing casualties resulting from matches in the State of Massachusetts.

[Journal, Topeka, Kans., Dec. 15, 1910.]

MAKE ALL MATCHES "SAFETIES."

"Of the 250,000,000,000 matches used yearly in this country—more than seven a day for every man, woman, and child—four-fifths are of a type that practically every nation of commercial importance prohibits," says the Survey. "For the head of the ordinary 'double dip' parlor match, the tiny round tip, is made of a poison worse than deadly to many of the workers in match factories. Stealing insidiously through a tiny crack in a tooth, it rots the tooth, rots the jawbone, requires mutilating operations, and sometimes results in death after lingering years of suffering. The dead bone, imbedded in living flesh, discharges its foul remains through cheek and mouth. Phosphorus necrosis, commonly called 'phoss jaw,' in matchmakers is so terrible that it might be considered good reason for returning to the flint and steel of our forebears if there were no other way of making fire.

"But there is a harmless substitute, sesquisulphide of phosphorus, for the poisonous white phosphorus. It is to our disgrace that the United States has lagged behind other lands in demanding its use. The indifferent of big business, the tariff, internal-revenue taxes, a 'trust' smothering the harmless but more expensive material, a lack of public information on the subject, and the voiceless obscurity of the match workers have all been factors in our tardy beginning last year to wipe out this unnecessary industrial disease by the Esch bill in Congress."

[Survey, New York City, Jan. 7, 1911.]

TERMS OF LICENSE FOR HARMLESS PHOSPHORUS.

The instinct to "fear the Greeks even bearing gifts" has made many wonder if the Esch bill in Congress to prohibit poisonous phosphorus in matches would not establish a monopoly, since the largest company favors this measure and has patent rights to the most widely used nonpoisonous substitute for white phosphorus. The Diamond Match Co. drew up licenses upon fair, if not generous, terms to govern the use of sesquisulphide of phosphorus by other manufacturers. Eight companies accepted the conditions and have paid in whole or in part their share of the cost of the patent protecting this nonpoisonous composition.

Although each licensee was allowed to produce an unlimited quantity of matches or to use any other form of nonpoisonous phosphorus, of which there are several, some have feared that all the agitation against white phosphorus was but a scheme to place the small independent companies at the mercy of a trust which owns the patent for sesquisulphide. To make this suspicion impossible the president of the Diamond Match Co., in a letter to Representative ESCH, the author of the bill, calls attention to some changes which have been made voluntarily in the licenses already issued. A royalty of four-tenths of a cent for the use of sesquisulphide for every thousand matches beyond the quantity which a company was entitled to make, on the basis of its percentage of the number manufactured for the year ending June 30, 1910, has been remitted, and all restrictions as to the number to be contained in a box waived.

As the president says in his letter, however, "there still remains the problem of how we can best formulate a proposition in respect to granting licenses in the future" to existing manufacturers, or to any other companies that later on may desire permits. He offers to assign the patent in trust to any department or bureau of the Federal Government or to any official of any department and his successor in office, in order that "licenses may be granted on such terms as may appear in the discretion of such department, bureau, or individual equitable and fair." If no department, bureau, or official will accept such an assignment the company offers to execute it in favor of any corporation, association, or individual who can give reasonable assurance of prompt and just treatment of applications for licenses.

The cause of this remarkable offer is said to be the fear of the manufacturers that if Federal legislation is not passed the agitation about the dangers to the workers in the trade will result in State legislation, which will not be uniform throughout the country. In fact a law to prohibit the use of poisonous phosphorus has already been recommended in New York by a high State official.

[Constitution, Atlanta, Ga., Jan. 15, 1911.]

MAKING ALL MATCHES SAFETIES NOT A PLOT OF THE TRUSTS.

Is the Esch bill to prohibit poisonous phosphorus in matches, which is now pending in Congress, a machiavellan scheme to place the small and struggling independent companies in the grasp of a trust notorious in the past for merciless practices? The instinct to "fear the Greeks even bearing gifts" has naturally caused many to look for a sinister connection between the ownership of the patent for the most widely used substitute for white phosphorus by the Diamond Match Co. and its hearty support of the proposed legislation for the protection of match workers.

Eight companies have already contracted for the use of sesquisulphide of phosphorus under terms that allow them to produce an unlimited number of matches and to employ any other form of nonpoisonous phosphorus, of which there are several. But to make all suspicion impossible the Diamond Match Co. has voluntarily remitted a royalty of four-tenths of a cent granted by these contracts for the use of sesquisulphide for every thousand matches beyond the amount which a company was entitled to make on the basis of its percentage of the number manufactured for the year ending June 30, 1910.

As the president says in his letter, however, "there still remains the problem of how we can best formulate a proposition in respect to granting licenses in the future" to existing manufacturers or to any other companies that may later on desire to acquire permits. He offers to assign the patent in trust to any department or bureau of the Federal Government or to any official of any department and his successor in office in order that "licenses may be granted on such terms as may appear in the discretion of such department, bureau, or individual equitable and fair." If no department, bureau, or official will accept such an assignment, the company offers to execute it in favor of any corporation, association, or individual who can give reasonable assurance that applications for licenses will be promptly and justly treated.

The cause that explains this remarkable offer is the fear of the manufacturers that if Federal legislation is not passed the agitation about the dangers in the trade to the workers will result in State legislation that will differ throughout the country and cause unnecessary inconvenience to the business. In fact, such action has already been recommended in New York by a State official. When such an evidence of good faith is given there is no excuse for failure to follow the example of all the other countries of commercial importance by prohibiting the use of a needless and terrible poison in the manufacture of matches.

[People, New York City, Jan. 21, 1911.]

PARTIAL VICTORY AGAINST "PHOSSY JAW."

The Diamond Match Co., commonly known as the Match Trust, has been forced to turn its patent for the most available substitute for poisonous phosphorus in the manufacture of matches over to the three trustees appointed by the American Association for Labor Legislation, which has carried on a campaign for the elimination of the loathsome occupational disease known as "phossy jaw." This step puts an end to all fear that the Match Trust will take advantage of a health campaign to complete its monopoly of the match business.

"Phossy jaw," which threatens 65 per cent of all match-factory workers, will be wiped off the list of occupational disease in America if the Esch phosphorus bill passes in congress. Last year the Labor Legislation Association conducted an investigation, in cooperation with the United States Bureau of Labor, the result being published by the Government in Bulletin No. 86.

Many match manufacturers at first claimed that "phossy jaw" did not exist in America, but they soon admitted that it did. Some of them got busy and started to clean up their factories. But no amount of care in handling the poisonous phosphorus can make the work safe. Safety lies only in the complete prohibition of its use. In June of last year ESCH introduced into Congress a bill providing for a prohibitive Federal tax on white phosphorus.

There are several harmless substitutes for white phosphorus, the best and cheapest being sesquisulphide; but the Diamond Co. owned the patent on sesquisulphide. The association then compelled the Diamond Co. to hand over the patent to three trustees, who have complete control of granting its use to future applicants.

The three trustees are Jackson Ralston, counsel for the American Federation of Labor; Commissioner Neill, of the United States Bureau of Labor; and Prof. Seligman, of Columbia University.

[Union, Springfield, Mass., Jan. 23, 1911.]

The reference in President Taft's recent message to the frightful nature of "phossy jaw," or phosphorus necrosis, a disease which attacks the workers in match factories, and his recommendation that legislation be enacted to prevent the use of the deadly white phosphorus that causes it, will probably have an important effect in expediting the passage of the bill introduced by Congressman JOHN ESCH, which provides for a prohibitive tax on white phosphorus. The use of this poisonous substance is already prohibited in nearly all the European countries, the campaign against it inaugurated in Finland and Denmark having been taken up by Switzerland, France, Italy, the Netherlands, Germany, and Great Britain. White phosphorus is used on four-fifths of the matches sold in the United States, and a recent investigation of the match factories in this country conducted by agents of the United States Bureau of Labor brought to light 16 cases of the terrible necrosis among employees in 15 factories, while 82 cases were discovered in the homes of the working people of three factories, and

records of 40 cases were secured in one modern factory. This insidious disease, caused by the fumes of the wet phosphorus, rots the teeth and jawbone, requires mutilating operations, and often results in death after a long and painful illness. There are several harmless substitutes for the phosphorus, one of which, said to be the cheapest and best, is sesquisulphid, which is controlled by one of the largest match-manufacturing concerns. This company, it is announced, has been compelled to turn over its patent on this substance to three trustees appointed by the American Association for Labor Legislation, who will have full power to grant its use to future applicants. These trustees are Jackson Ralston, counsel for the American Federation of Labor; Commissioner Neill, of the Bureau of Labor; and Prof. Seligman, of Columbia University. With the passage of the Esch bill, taxing white phosphorus out of existence, this substitute will be available for all match manufacturers, and there is every prospect of the wiping out of a fearful industrial disease.

[Free Press, Milwaukee, Wis., Jan. 27, 1911.]

A BILL THAT SHOULD PASS.

It would seem that the one legitimate obstacle to the passage of the Esch bill, which aims at the elimination of poisonous phosphorus from the manufacture of matches, has been overcome.

It will be remembered that the Diamond Match Co., or so-called Match Trust, owns the patent rights to the use of sesquisulphid of phosphorus—the harmless kind. In consequence, it was feared by the independent match manufacturers that legislation hostile to the use of the common white phosphorus would tend to make the trust an actual monopoly because of its control of the harmless article.

This objection has now been robbed of its force by the action of the much worried Diamond Match Co., which has assigned its patent rights to a board of trustees that is given absolute power to fix the terms which it thinks are fair under which every match manufacturer will be able to secure the right to use the nonpoisonous substitute for white phosphorus.

The board of trustees consists of Prof. Edwin Seligman, of Columbia University; Charles P. Neill, United States Commissioner of Labor; and Jackson Ralston, an attorney for the American Federation of Labor.

"Their names," comments the Survey, "are a guaranty that all will receive fair treatment and no one will be so suspicious as to charge them with being under the domination of the Match Trust."

The action of the trust in transferring the legal title of its patent must be considered a great victory for the investigations made by the United States Bureau of Labor at the instance of the American Association for Labor Legislation.

These investigations drew a picture of the ravages of phosphorus necrosis among the workers in American match factories that rivaled the horrors of Dante's Inferno. This disease, which is caused by the phosphorus, affects the jaws of the victim and consists of the wholesale mortification of the bones. It is loathsome, disfiguring, and eventually deadly.

The worst part of the terrible indictment lodged against the employers who subjected young human beings to this peril was that the harmless substitute for white phosphorus was at their command, but for financial reasons remained unused.

It will be remembered that President Taft in a recent message strongly urged legislation against this inhuman evil, and the Esch bill, which should now be passed without delay, is a fruit of that recommendation.

[Tribune, Chicago, Ill., Jan. 29, 1911.]

AN INCIDENT IN SOCIAL REFORM.

The Esch bill to prohibit the use of white phosphorus in the manufacture of matches is one of the social measures which Congress should find time to pass at the present session.

White phosphorus is a poison to workers in the match industry, causing necrosis. The Diamond Match Co. some time ago instituted research to find a safe substitute, and the search was successful. But the discovery was a monopoly of this so-called trust, and it was urged against prohibitory legislation that the competitors of the trust would be put to a serious disadvantage by it.

Then the Diamond Match Co. waived its monopoly—an act of humanitarianism which might very well place it among the "good trusts," if it be a "trust"—and with this waiver disappears whatever reason there was for opposition. The independent manufacturers, in fact, have so announced and approved the Esch bill.

The situation is gratifying as an evidence of the growing sense of social responsibility for the conditions of workers. It should be rounded out by the legislative action sought.

[Tribune, New York City, Jan. 30, 1911.]

A HUMANE ACTION.

The Diamond Match Co. has done an unusually public-spirited thing in causing to be canceled the patent held by it upon a harmless substitute for white phosphorus. This leaves independent manufacturers free to employ the substance in the making of matches and removes the only serious obstacle to the passage of the Esch bill prohibiting the use of white phosphorus in the industry. White phosphorus causes necrosis among the workers engaged in its use. Considerations of humanity caused the introduction of the Esch bill, influenced President Taft to interest himself in its passage to the extent of urging the owner of the patent on sesquisulphide of phosphorus to have it canceled, and led the so-called Match Trust to facilitate the passage of the bill by sacrificing what might have been made a monopoly for the next three years.

Throughout the negotiations leading up to this cancellation the Diamond Match Co. appears to have maintained a more than ordinarily reasonable and public-spirited attitude. When its patent was first declared to stand in the way of prohibiting the use of white phosphorus, it put the patent into the hands of trustees, providing that they should make fair terms upon which any manufacturer might employ the patented article in matchmaking. This concession not having been regarded as sufficient, the company surrendered the patent. The action will be worth more to the company in "good will" on the part of the public than the remaining value of the patent, but that does not detract in the least from its commendable quality.

[Tribune, La Crosse, Wis., Jan. 30, 1911.]

ESCH BILL VINDICATED.

"The Esch bill to prohibit the use of white phosphorus in the manufacture of matches," says the Chicago Tribune, "is one of the social measures which Congress should find time to pass at the present session.

"White phosphorus is a poison to workers in the match industry, causing necrosis. The Diamond Match Co. some time ago instituted research to find a safe substitute, and the search was successful. But the discovery was a monopoly of this so-called trust, and it was urged against prohibitory legislation that the competitors of the trust would be put to a serious disadvantage by it.

"Then the Diamond Match Co. waived its monopoly—an act of humanitarianism which might very well place it among the 'good trusts' if it be a 'trust'—and with this waiver disappears whatever reason there was for opposition. The independent manufacturers, in fact, have so announced and approved the Esch bill.

"The situation is gratifying as an evidence of the growing sense of social responsibility for the conditions of workers. It should be rounded out by the legislative action sought."

When the Esch bill first came into the limelight, certain badly advised critics arose to suggest that it was aimed, not to protect working men, but to compel the use of the Match Trust's patent. Even in his own district Mr. ESCH did not escape the gibes of I-told-you-so gentlemen whose skepticism has made them willingly adverse commentators upon his activities, and in whose view the humane feature of the proposed law was but a cover for a sinister purpose. However, if there now remains a vestige of that unkind suspicion, it must yield to the word of La Follette's Magazine, most trustworthy of all progressive publications, which in its current issue said:

"As a sequel to the story told in La Follette's last week about the dreadful effects of phosphorus poisoning in the match industry and the efforts now being made to prevent it by law, comes the information that the objection most strenuously urged against such legislation has been silenced. This was the objection that the passage of a law abolishing the use of poisonous phosphorus in the making of matches would promote a monopoly in the manufacture of matches from the non-poisonous sesquisulphide. The use of this harmless substance is covered by a patent. The patent is owned by the Diamond Match Co. Forbidden the use of phosphorus, other manufacturers would have to get permission from the owners of the patent before they could change to the sesquisulphide process. It was important to secure complete assurance from the Diamond Match Co. that future applicants for patent rights would be treated fairly. As early as last June the officers of the American Association for Labor Legislation succeeded in convincing the managers of the Diamond Match Co. that they ought, in the interests of humanity, to throw the patent open. This has finally been done. On January 6 the patent was turned over to three trustees, who are given the power to grant its use upon 'such terms' as the trustees 'shall deem just.' The trustees are Prof. E. R. A. Seligman, of Columbia University; Jackson Ralston, counsel for the American Federation of Labor, and United States Commissioner of Labor Charles P. Neill. These names are a strong guarantee of just dealing. The Association of Labor Legislation is to be congratulated upon so successfully disposing of an objection that for a time threatened to block the way to speedy and complete abolition of phosphorus matches and the distressing 'phossy jaw.'"

[Standard Union, Brooklyn, N. Y., Jan. 30, 1911.]

A CORPORATION WITH A SOUL.

The voluntary surrender by the Diamond Match Co. of its patent rights, covering the manufacture and use of a substitute for white phosphorus so that rival companies can take advantage of the preparation is admittedly a very creditable act. This will end the employment of white phosphorus in match making in this country and consequently do away with the disease known as "phossy jaw" among factory workers.

The relinquishment of the patent rights was not an act of courtesy to competing companies, but a concession to the Government, which is anxious to pass a law prohibiting the use, as in the case in several European countries, of white phosphorus. If the Esch bill now before Congress were placed on the statute books and the Diamond Match Co. retained its right, the rival companies would have been seriously injured. For that reason the bill was not likely to pass. It would have given a virtual monopoly to one concern.

If not a trust, the Diamond Match Co. is a near approach to one. Those who hold that there are no good large corporations must admit that at least one has shown admirable qualities.

[Record, Philadelphia, Pa., Jan. 30, 1911.]

There was never a better use made of the Federal taxing powers than that proposed in the Esch bill to eliminate the health-destroying white phosphorus from the manufacture of matches. The Federal Government can not regulate production within the States, but the end in view would be accomplished by imposing a sufficient internal-revenue tax on white phosphorus matches to make their manufacture commercially impossible. This would be a perfectly constitutional exercise of Federal power, and it would accomplish a result that could otherwise be attained only by legislation in 46 separate States.

[Public Ledger, Philadelphia, Pa., Jan. 30, 1911.]

PROTECTION FOR MATCH WORKERS.

President Taft's recommendation in his annual message for the protection of workmen engaged in the manufacture of matches has borne immediate and interesting fruit. No action has yet been taken on the bill offered by Representative ESCH, of Wisconsin, placing a prohibitive tax upon all matches containing white phosphorus, but by the voluntary initiative of the Diamond Match Co. a situation has been created that opens the way for the passage of such a law free from the suspicion that it is designed to strengthen a monopoly. The making of matches is one of the most dangerous of modern industries, at least under the older methods of manufacture, when the workers were exposed to the fumes of phosphorus, and were almost certain to contract, sooner or later, a loathsome necrosis, or mortification of the bones.

When it was proposed that the United States should at last follow the enlightened lead of Europe in legislation for the restriction of the use of phosphorus and for the protection of the laborers, the assertion was made that the Diamond Match Co.—the corporation which dominates the match industry in this country—controlled patents on the only available substitute for the dangerous forms of phosphorus, and that the imposition of a tax upon all matches made without this substitute would be in effect playing directly into the hands of the monopoly.

This contention of the independent match manufacturers has been vehemently combated, but the Diamond Match Co., nevertheless, has relinquished, in the interest of the public, its patent upon the chemical in question. It is true that this patent has but a few years to run, and that the gift to the public and to humanity has thus but a limited

value, but the public-spirited dedication of the company's rights to the people at large has removed every legal obstacle to humane legislation in the interest of public safety and health.

[News, Rutland, Vt., Jan. 30, 1911.]

RENOUNCES A PATENT FOR HUMANITY'S SAKE.

The Match Trust is a trust that certainly has a soul.

Action was taken Saturday by the Diamond Match Co., the largest producer of matches in this country, which probably means the banishment from the match factories of one of the most serious of what are known as "occupational diseases." The Diamond Match Co., at the request of President Taft, has granted free use of its patent for a style of match that does not call for material poisonous to the workers. This action, it is believed, removes the last objection to the bill introduced in Congress by Representative ESCH, of Wisconsin, for the purpose of abolishing the manufacture of the present poisonous style of match.

The common "parlor match" that will strike anywhere contains white phosphorus, so called, to distinguish it from the red or nonpoisonous variety. The use of this substance in the match industry has been the cause of a form of poisoning among the workers, many of whom are women, that destroys the jawbone slowly. The only cure is to cut away the diseased bone, which often results in disfigurement.

Nearly every European country has done away with this horror of the match factory by prohibiting the use of white phosphorus and requiring that a harmless substitute be employed. Agitation having for its object similar action by this country was begun about a year ago, and this year the President, in his annual message, recommended that such action be taken.

A bill was introduced by Mr. ESCH imposing a sufficient internal-revenue tax upon white phosphorus matches to make their manufacture commercially impossible. This bill would probably have met with little opposition had the fact not developed that the patent for the most practicable form of nonpoisonous match was owned by the Diamond Match Co., or, as it is popularly known, the Match Trust.

The trust declared that it welcomed this reform, and as evidence of its good faith was willing to share the patent on equal terms with all who cared to make use of it, and subsequently entered into agreement with nearly all the independents, representing about 95 per cent of the output, by which these independents were licensed to use the patent.

[Times-Star, Cincinnati, Ohio, Feb. 1, 1911.]

IN THE CAUSE OF HUMANITY.

The urgent recommendation made in the President's annual message to Congress for the protection of those engaged in the manufacture of matches has borne fruit more quickly than many of the most sanguine had dared to hope.

The bill offered by Representative ESCH, of Wisconsin, to prevent the use of the death-spreading white phosphorus by placing a prohibitive internal-revenue tax upon it has not yet been acted upon. But the one and only real objection made to it has been met by the action of the corporation popularly known as the Match Trust in surrendering its patent rights to the exclusive use of sesquisulphide, the only substitute for white phosphorus now known. It was the contention of the independent match companies that prohibiting the use of white phosphorus would result in giving the Match Trust a monopoly. Of course this argument now falls to the ground.

It now seems reasonably certain that the day has arrived for the complete reform of an industry that has claimed many victims and in which a frightful death is the almost sure reward of steady employment. It is a great step forward in the cause of humanity.

[States, New Orleans, La., Feb. 2, 1911.]

PROTECTING THE MATCH WORKERS.

In line with President Taft's recommendation in his annual message for the protection of workmen engaged in the manufacture of matches, Representative ESCH, of Wisconsin, introduced in Congress a bill placing a prohibitive duty upon all matches containing white phosphorus. No action has been taken by the House on the measure, but it has borne fruit in the voluntary action of the Diamond Match Co., known as the Match Trust, which opens the way for the passage of such a law which will be free from the suspicion that it is designed to promote the interests of a monopoly.

Under the older methods of manufacture it is known that the making of matches is a very dangerous industry because the workmen are exposed to the fumes of phosphorus, and in the course of time they contract necrosis, a disease that causes a loathsome mortification of the bones. Some years ago prominent humanitarians urged the United States to follow the example of England in legislation restricting the use of phosphorus and for the protection of the match workers, but at the time it was asserted that the Match Trust, which dominates the industry in this country, controlled patents on the only substitute for the dangerous forms of phosphorus, and the imposition of a tax upon all matches made without this substitute would greatly strengthen a monopoly.

This was the contention of the independent match manufacturers, which was combated by the Diamond Match Co.; but nevertheless that concern recently announced that it had relinquished in the interest of the public its patent upon the chemical substitute for phosphorus, and this generous action has removed all opposition to legislation such as Representative ESCH has proposed.

[Herald, Louisville, Ky., Feb. 13, 1911.]

FOR HUMAN LIFE.

A bill is now pending in Congress that has for its sole aim the protection of human life from a peril of industry that is increasing tremendously in the scope of its menace.

It is known as the Esch bill and aims to prohibit the white phosphorus match as an article of manufacture and sale by imposing a tax so heavy that it will make its continued production unprofitable.

The white phosphorus match is poisonous. The making of it is fraught with deadly danger, and its subsequent use is a constant cause of loss, both to life and property. The fearful disease of necrosis, commonly known among workers in match factories as "phossy jaw," is a direct result of the employment of this particular form of phosphorus. Few of those who engage in the making of these matches can hope to escape its painful and terrible ravages.

It is not a necessary evil. The safety match that the smoker buys for a penny a box and which ignites only on the prepared surface provided is free from this poisonous substance. The red phosphorus match is also unobjectionable. There would be no serious inconvenience to anybody by the abolition of this wicked industry.

Statistics show that the white phosphorus match is to be credited with a large proportion of the fires that result disastrously to property and life. Out of 3,875 fires last year in Chicago of which the cause is known 1,089 were started by matches. The hazard of the safety match and of those made with red phosphorus is much less than that resulting from the white phosphorus variety.

President Taft has expressed his approval of the Esch bill; it is indorsed by health departments, medical organizations, and labor unions. It is opposed by the manufacturers who make money at the cost of human life.

Recently the Canadian minister of labor introduced a Government bill in parliament framed to accomplish the same purpose as that of the Esch bill. We have not followed its fortunes, but the auspices under which it was given place on the order paper assures its enactment.

It is doubtful if the Esch bill will reach consideration at the present session. The pressure of other questions of greater political, if less human, concern may require postponement of action. But it ought to pass at the earliest opportunity. It is typical of a class of legislation of which there is going to be more as we realize more keenly our responsibility for safeguarding life and making existence easier and happier for the multitude.

[World, New York City, Feb. 19, 1911.]

Congress should not adjourn without passing the Esch bill prohibiting the use of poison phosphorus in matches. Since the Diamond Match Co., at the request of President Taft, placed the sesquisulphide patent in the hands of trustees for free general use there is no possible objection to the bill. The poison phosphorus not only gives "phossy jaw" to the workers, but it is dangerous in the home.

[Gazette, Green Bay, Wis., Feb. 22, 1911.]

FOR THE SAKE OF HUMANITY.

The Esch bill, which has been introduced in the United States House of Representatives, providing for the abolition of the use of poisonous phosphorus in the manufacture of matches, will, if passed, be the means of saving many lives and also intense suffering. Sixty-five per cent of all match workers are liable to contract the disease known as "phossy jaw," while 95 per cent of the women and 83 per cent of the children are so exposed, it is claimed. The list of the victims are growing monthly.

The disease is caused by the absorption of phosphorus through the teeth or gums. Inflammation is set up, which extends along the jaw, killing the teeth and bones. The gums become swollen and purple, the teeth loosen and drop out, and the jawbone finally becomes decomposed, which sometimes breaks through the neck, forming an abscess. In this manner an employee of any match factory where poisonous phosphorus is used is exposed. Not only are deaths caused in this manner, but it is commonly learned that children die as a result of eating the heads of matches. Some of the State legislatures in the United States have memorialized Congress to pass the bill as introduced in Congress, while others, it is reported, are to take a similar action.

It has been contended by opponents of the Esch bill that it is unconstitutional, since it attempts to protect the public health through the use of the taxing power of Congress. It is held by others, however, that if it is constitutional to levy a tax in the interests of an industry, as is done by the tariff system, and if it is constitutional to levy a tax on the circulating notes of State banks, then it is constitutional to levy a tax in the broader interests of public health and safety. It is almost assured that nothing will be done with this measure during this short session, but many associations and societies in the country are now earnestly at work in an effort to have it passed and enacted into a law.

[Times, New York City, Feb. 22, 1911.]

MR. ESCH'S "PHOSSY-JAW" BILL.

Now that the Diamond Match Co. has canceled its patent for making matches by the harmless sesquisulphide of phosphorus process, so that every match manufacturer can use this process free of cost, it becomes incumbent on Congress to tax out of existence what is in effect the murderous trade of making matches that inflicts on the factory workers the disease of "phossy jaw," so called, from the effects of the poisonous white and yellow phosphorus used

We have already called public attention to this terrible business. The only remedy for the agonizing disease of the jaws which the phosphorus causes when absorbed through teeth or gums is the cutting out of the diseased bone, often amounting to the entire jaw. President Taft has personally inquired into the conditions in the match factories; he recommends the passage of the Esch bill, laying heavy taxes on all factories that fail to use the harmless substitutes for the poisonous phosphorus as a "method of stamping out a very serious abuse." Besides its responsibility for "phossy jaw," the phosphorus is frequently a cause of death in little children, who suck off the heads of the matches in which it is an ingredient. Letters to Congressmen urging the passage of the Esch bill would be influential.

[Tribune, New York, Mar. 1, 1911.]

"PHOSSY JAW" OR PROFITS?

It is strange and discreditable that antiphosphorus legislation seems to be in danger of failing, and the worst feature of the case is the reason therefor. The evils of phosphorus poisoning are well known. The campaign in Great Britain against "matchmakers' necrosis," popularly called "phossy jaw," some years ago largely roused the world to a recognition of the inhumanity of the industry thus conducted and of the need of reform. Happily, methods of reform were not lacking. The evil is as needless as it is monstrous. Yet remedial or prohibitory legislation is thwarted over a mere question of pecuniary profits.

Now, if this legislation were thus blocked by some manufacturing concern which did not wish its profits interfered with, there would be a storm of indignation against the soulless corporation which sacrificed human health and lives to its greed. But in this case something like the reverse is true. That is to say, those who oppose this much-needed reform do so because they are afraid that it would result in larger profits for some corporation. They are not willing that good shall be done lest somebody profit from it. We really can not see that such opposition is more creditable, or less discreditable, than the other would be.

But there is no convincing proof that the reform would have the result of adding to anybody's profits. If it did, that would be no argument against it. Indeed, it might even be argued that a concern which had the enterprise and the humanity to adopt a harmless substitute for

the pernicious phosphorus was entitled to its reward. There is certainly no indication that any such advantage, if it existed, would work hardship to the public. If there were danger of that, we should still urge the reform, because it ought to be possible through other action to prevent such oppressive results. To argue that undoubted good should not be done because of a danger of possible evil is a counsel of impotence with which there should be no sympathy.

PEOPLE'S NATIONAL FIRE INSURANCE CO.,
Philadelphia, February 21, 1911.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: There is a bill pending before Congress at the present time prohibiting the use of white phosphorus in match manufacturing, because of the very serious injury caused to all who are engaged in the manufacture of matches. I find, however, on careful examination that this bill does not prohibit the interstate sale and transportation of the so-called "criminal match," namely, matches that ignite by being stepped upon, and I would strongly urge that the bill be amended accordingly before passage, to prohibit dangerous matches of all kinds.

The well-known safety match does not contain white phosphorus, is nonpoisonous, and as the ordinary friction matches are infinitely more destructive to life and property, it would be for the general welfare to make the prohibition include all matches that do not ordinarily require a prepared surface for ignition. Thousands of lives have been lost through the serious fires that have resulted from the use of the "criminal match," and a large proportion of all fires reported throughout the country, destructive to the property interests of the American Nation, arise from so-called "parlor matches." You have probably in your own experience known of some of the numerous cases where women have stepped on such matches and set themselves on fire. Children play with them, because they furnish attractive fireworks; rats and mice nibble them and set homes on fire; and an ordinary box of parlor matches can be ignited even by being thrown on the floor.

If fires originating from this cause were eliminated, it would save thousands of lives and reduce the cost of insurance to policy holders, as the enormous fire waste of the country is necessarily charged for in the established rates. State Fire Marshal Sullivan, of Louisiana, and State Fire Marshal Zueber, of Ohio, together with other State authorities and fire-insurance commissioners in various parts of the country have made recommendations for the enactment of such legislation, but the most effective way of preventing loss of life and property from this cause would be by amending the pending bill so as to prohibit matches of all kinds except "safety matches," after January 1, 1912. Is not the general public entitled to protection as well as the comparatively few employees of match factories?

Trusting that your sense of public spirit and interest in the general welfare will prompt you to demand an amendment of this kind, I remain,

Yours, very truly, LOUIS S. AMONSON, *President.*

THE SPRING GARDEN INSURANCE CO.,
Philadelphia, February 21, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: As one of your constituents, we are writing to request you to use your vote and influence to secure the passage of the Esch bill, to prevent the further use of white phosphorus matches. We understand that this bill is intended to promote the public health by preventing the use of a dangerous material. We approve that motive, but beg to suggest an additional reason, in that the white phosphorus match is chiefly responsible for the thousands of fires started by matches each year in this country, and the hundreds of deaths and fatal burnings which result. We are informed that the kind of matches which will be available, if the white phosphorus match is prohibited, are very much less dangerous from the fire standpoint, and think that this feature should also be taken into consideration. The State fire marshals are beginning campaigns against the use of parlor matches, which they call "the criminal match," because of the number of deaths, accidents, and fires for which it is responsible. It is estimated that match fires cost the country $20,000,000 each year, in addition to the loss of life, which falls chiefly upon women whose skirts are ignited by matches catching fire underfoot, and children who are set on fire while playing with matches.

In the interest of public health and safety, to reduce the fire waste of the country, and thus to conserve its resources, we respectfully urge you to use your vote and influence in behalf of the Esch bill.

Faithfully yours, CLARENCE E. PORTER, *President.*

[Extracts from Insurance Statistics.]

THE MENACE OF THE MATCH—CARELESSNESS WITH MATCHES BRINGS FIRE AND DEATH.

The number of persons burned to death in the United States each year by the common poisonous phosphorus parlor match is between eight and nine hundred, and the property loss more than $2,000,000.

In Massachusetts last year there were 5,794 fires, 1,230 of which, entailing a loss of $658,346, were caused by matches.

Thirty-six women and children were burned to death in Ohio through having their clothing fired by matches. Of these, who suffered death in this, its most horrible form, 30 were children playing with matches left carelessly within their reach, and 6 were women whose clothing took fire from flying match heads. Among these are not included 5 mothers who were themselves burned to death while trying to save the lives of their burning children.

Mr. MANN. Mr. Speaker, the Bureau of Labor made an investigation of the use of white phosphorus in match factories, which was published, as the gentleman from Wisconsin [Mr. ESCH] states, in a bulletin a year ago, in January. The President of the United States, becoming interested in the matter and thinking the subject might be controlled under the commerce clause of the Constitution, turned the papers over to me as chairman of the Committee on Interstate and Foreign Commerce. That was before any bills were pending. With those papers was a letter from the Diamond Match Co., offering to give the use of the patent it owned to any independent company at that time. During last summer I carried on quite an extensive correspondence with the dentists throughout the country. The use of white phosphorus in matches, where there is a cavity in the tooth, causes the phosphorus to get into the tooth, and causes what is called a phossy jaw, which is a putrefaction or wearing away of the jaw. And the dentists are the ones who come in contact with it. So far as I can learn, while there was in many places the phossy jaw, as a rule it has been grossly exaggerated as to the number of people suffering from it throughout the United States.

However, I prepared a bill to regulate the subject by forbidding the transportation of these white phosphorus matches in interstate commerce. The gentleman from Wisconsin [Mr. ESCH] had a bill to tax them out of existence. That went before the Committee on Ways and Means, which had hearings on it. Our committee had no hearings on it, and it seems to me that with the little information which I could obtain through rather full correspondence with dentists throughout the country, and with the question involved as to whether this would in the end result to the benefit of the Diamond Match Co. and against the interests of the independent manufacturers, the resolution submitted by the Ways and Means Committee at this time is the very thing. We ought to have some real knowledge of the subject. The information that was acquired before can not be said to have been wholly disinterested. A gentleman, a competent man, but an enthusiast on one side of the question, made all the investigation that was made, and was thoroughly committed to the proposition that no one in this country ought to be permitted to use white or yellow phosphorus. On the other hand, it is claimed they can not make in this country matches under the Diamond Match or French patents successfully owing to climatic conditions. If that is so, we can ascertain by investigation. An investigation certainly may do good, and can do no harm.

Mr. COX of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, I do not think I will occupy that much time, but this resolution has grown out of a trade disease existing in the match-manufacturing industry, and that disease has become so pronounced that it is necessary that something should be done to prevent it. When an effort was made by the introduction of a bill by the gentleman from Wisconsin [Mr. ESCH] to regulate the manufacture of matches from white and yellow phosphorus, and hearings were held by the committee, immediately the question was raised as to whether this effort to regulate the manufacture of matches had for its basis the protection of the health of those engaged in its manufacture, or whether it had for its basis the protection of the Match Trust.

There were those who were independent manufacturers of matches who contended that under certain regulations and conditions the matches might be manufactured with a reasonable degree of health on the part of the workers, and that the movement was a movement to promote the interests of the Match Trust of this country. And so there grew opposition to the measure introduced by the gentleman from Wisconsin [Mr. ESCH]. There is still some doubt in the minds of those who have been giving attention to the subject. The matter has not been cleared up, and in my judgment this resolution ought to be adopted. We ought to get the actual facts in the case as to how much disease exists as the result of the use of white and yellow phosphorus, as to how much the passage of a resolution or a bill such as the gentleman from Wisconsin has introduced will affect the match industry, and whether or not it will tend to build up a monopoly in the trade. In other words, how far this industry can be conducted in a healthy condition without at the same time promoting the building up of a trust. In my judgment, this resolution ought to go through for the purpose of giving us information from sources that are not biased by their business interests, upon which we can build satisfactory future legislation.

Mr. COX of Indiana. Mr. Speaker, there is no one else desiring any time on this side of the House as far as I know.

Mr. GAINES. I would like to ask the gentleman to yield to me a moment for the purpose of asking unanimous consent to move an amendment.

Mr. DALZELL. I yield.

Mr. GAINES. I ask unanimous consent, Mr. Speaker, to amend, by inserting on page 2, of line 15, after the word "conditions," these words: "And costs in this and foreign countries."

Mr. COX of Indiana. I object, Mr. Speaker, to that.

The SPEAKER. Objection is heard. The question now is on the passage of the joint resolution.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the joint resolution was passed.

DEBT OF THE DISTRICT OF COLUMBIA, ETC.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13474) to provide for the pay-

ment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes, with committee amendments, which I send to the Clerk's desk and ask to have read.

The Clerk read the bill (H. R. 13474) to provide for the payment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes, with sundry amendments.

Mr. SMITH of Michigan. Mr. Speaker, I was first going to ask to have the bill read and then ask to have certain amendments read, but——

The SPEAKER. Other amendments than those reported?

Mr. SMITH of Michigan. Yes, sir.

Mr. TAWNEY. I suggest to the gentleman from Michigan that he withdraw that bill and offer another bill, and move to pass that other bill with the amendments that he is prepared to send up.

Mr. SMITH of Michigan. I will do that, Mr. Speaker. I can send up a bill which contains all but one amendment that I wish to offer, as suggested by the gentleman from Minnesota.

The SPEAKER. Is the gentleman from Michigan prepared to withdraw his motion and make another?

Mr. SMITH of Michigan. Yes, sir. I move to suspend the rules and pass the bill as sent now to the Clerk's desk, with one amendment, which I will send up in a moment.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following bill, with an amendment. The Clerk will report the bill and amendment.

The Clerk read the bill (S. 3260) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes, with sundry amendments.

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered.

Mr. STAFFORD. Mr. Speaker, the amendment just reported by the Clerk did not state where it was to be inserted.

Mr. FITZGERALD. I ask unanimous consent that the bill be reported as it will read when the amendments are inserted.

The SPEAKER. The Clerk informs the Chair that that is the way it has just been read. The Chair is informed at the Clerk's desk that though this is numbered as a Senate bill it has not yet passed the Senate, or at least has not come to the House, but that the gentleman from Michigan is seeking to pass it as a House bill. Is that correct?

Mr. SMITH of Michigan. It is correct, and if I can have the attention of the House I think I can make my position entirely clear. But to save time, Mr. Speaker, I move to strike out all after the enacting clause in the House bill and insert what I have sent to the Clerk's desk. I desire to modify my motion so as to get before the House exactly what I want to do. The House bill which I sent to the Clerk's desk had these amendments exactly as in the Senate print. I do not want to mislead anybody in the House. Some Members seem to think that some of the amendments in the Senate print are not in the bill that I sent to the desk.

Mr. OLMSTED. I understand the gentleman's desire is to move to suspend the rules and pass the House bill in the form in which he has sent it up.

The SPEAKER. The Chair understands that it is the desire of the gentleman from Michigan to take the House bill, move to strike out all after the enacting clause and insert, and to suspend the rules and pass the bill as amended.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. What is it the gentleman is going to insert?

The SPEAKER. As the Chair understands it, the gentleman wants to pass the text of the bill introduced in the Senate.

Mr. CLARK of Missouri. Has the bill passed the Senate?

Mr. MANN. No; this is not a Senate bill.

The SPEAKER. The Chair will suggest to the gentleman from Michigan that, without further interrupting the business of the House at this time, this matter be postponed until to-morrow, so that we can find out what the motion is.

Mr. SMITH of Michigan. Mr. Speaker, I was about to ask, in view of the fact that so many Members want to see the bill reprinted, that we have a reprint of the bill, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. By unanimous consent, this matter will come up as unfinished business to-morrow.

Mr. SIMS. And I ask unanimous consent that the bill as offered may be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The following is the bill (H. R. 13474) as amended, which it is proposed to pass under a motion to suspend the rules:

A bill (H. R. 13474) to provide for the payment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes.

Be it enacted, etc., That from and after June 30, 1911, the Commissioners of the District of Columbia, in determining the estimates of funds available for appropriation for each succeeding fiscal year, shall first provide for and set aside from the estimated District revenues a sufficient sum to meet all estimated and fixed charges required by law to be paid wholly from said revenues, including interest at 3 per cent on the annual balance due the United States on account of advances made to the District of Columbia, and including further the sum of $300,000 as a repayment on account of said advances until the indebtedness of the District of Columbia to the United States shall be extinguished, and the annual estimates of appropriations for the expenses of the government of the District of Columbia, exclusive of the charges aforesaid and including amounts estimated or to be estimated under any general appropriation bill, shall not exceed in the aggregate a sum equal to twice the amount of the said District revenues then remaining: *Provided*, That the said commissioners shall allow for the extinguishment of the bonded debt of the District of Columbia out of the combined revenue fund by annually including in their estimates of appropriations a sum equal to the sum heretofore annually appropriated for the interest and sinking fund, namely, $975,408, until the said debt as evidenced by outstanding bonds shall be extinguished: *Provided further*, That hereafter the Commissioners of the District of Columbia shall provide in their estimates of appropriations for permanent works of improvement a sum not less than $1,230,000, beginnig with the fiscal year ending June 30, 1913, and annually thereafter an amount not less than the same sum increased by the sum of $100,000 for each succeeding fiscal year until and including the fiscal year to end June 30, 1924, and said estimates for permanent improvements shall include the reclamation of the Anacostia flats above the Navy Yard Bridge and their conversion into a park or parks, the gradual extension of the park system of the District, the construction of buildings on lands now authorized to be acquired for such purposes, the construction of public wharves, the extensions of trunk water and sewer mains into the suburban portions of the District, the elimination of dangerous grade crossings, and such other permanent public works as may be authorized by Congress from time to time.

BILLS SENT TO THE PRESIDENT.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States;

H. R. 24153. An act for the relief of John Marshall; and

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, the following bills:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased;

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 26606. An act for the relief of Charles A. Caswell;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia; and

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10792. An act to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812; and

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across the Ouachita River.

The message also announced that the Senate had passed the following bills, with amendments, in which the concurrence of the House of Representatives was requested:

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States, as amended by the act of February 19, 1897;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

Also, that the Senate had passed the following resolutions:

Senate resolution 372.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. CHARLES QUINCY TIRRELL, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Senate resolution 371.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM C. LOVERING, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. LOVERING and Mr. TIRRELL, the Senate do now adjourn.

Also that the Senate had passed the following resolution (S. Res. 373):

Resolved, That the Secretary be requested to inform the House of Representatives that the enrolled Senate joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the board of regents of the Smithsonian Institution of the class other than Members of Congress is now and was in the possession of the House when the House requested its return on the 24th of February, having been delivered to the House on the 23d of February, signed by the Speaker.

A further message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bills of the House of the following titles:

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.; and

H. R. 26656. An act to prevent the disclosure of national-defense secrets.

Also that the Senate had passed the following order:

Ordered, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the engrossed copy of the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Also that the Senate had passed the following concurrent resolution (S. Con. Res. 41):

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate Document No. 725, Sixty-first Congress, third session, be printed, 3,000 for the use of the House of Representatives and 2,000 for the use of the Senate.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, and agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN as conferees on the part of the Senate.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, Nos. 48, 76, and 82, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate, Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE.

SENATE CONCURRENT RESOLUTION REFERRED.

The following concurrent resolution (S. Con. Res. 41) of the Senate was taken from the Speaker's table and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate document 725, Sixty-first Congress, third session, be printed, 3,000 copies for the use of the House of Representatives and 2,000 copies for the use of the Senate.

ENROLLED BILLS SIGNED.

Mr. WILSON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 24153. An act for the relief of John Marshall;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States;

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 26606. An act for the relief of Charles A. Caswell; and

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

JOHN B. HENDERSON, JR.

Mr. DALZELL. Mr. Speaker, a few days ago the House sent a message to the Senate asking for the return of Senate joint resolution 145. It is on the Speaker's table, and I ask that it be taken from the table.

The SPEAKER laid before the House from the Speaker's table S. J. Res. 145, providing for the filling of a vacancy which will occur March 1, 1911, in the Board of Regents for the Smithsonian Institution of a class other than Members of Congress.

Mr. DALZELL. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Amend by striking out, in line 8, the word "Virginia" and inserting in lieu thereof the words "the city of Washington," so that the resolution will read as follows:

"*Resolved*, That the vacancy in the Board of Regents for the Smithsonian Institution of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of Hon. John B. Henderson, to take effect on that day, be filled by the appointment of John B. Henderson, jr., of the city of Washington."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. DALZELL. Mr. Speaker, I submit the following resolution (H. Res. 1000), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives be, and hereby is, directed to cancel his signature to the enrolled joint resolution of the Senate (S. J. Res. 145), a joint resolution providing for the filling of the vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, and that the Clerk of the House be directed to return the same to the Senate and request the Senate to reenroll the said resolution.

Mr. DALZELL. Mr. Speaker, that is necessary in order to straighten out the parliamentary tangle.

The SPEAKER. The Chair suggests that the words be added "as amended."

Mr. DALZELL. Very well, I will offer that amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Tuesday, February 28, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Postmaster General, transmitting schedules of papers and documents not needed for public business (H. Doc. No. 1411) was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the resolution of the Senate (S. J. Res. 82) directing that a portion of square No.

857 in the city of Washington, D. C., be reserved for use as an avenue and improved, reported the same without amendment, accompanied by a report (No. 2258), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 294) filling vacancies on the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 2259), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7574) for the relief of John M. Bonine, reported the same without amendment, accompanied by a report (No. 2260); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7648) for the relief of Charles J. Smith, reported the same without amendment, accompanied by a report (No. 2261); which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 1031) for the relief of Jaji Bin Ydris, reported the same without amendment, accompanied by a report (No. 2262); which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the Senate (S. 4023) for the relief of Arthur G. Fisk, reported the same without amendment, accompanied by a report (No. 2263); which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 9270) for the relief of Frank W. Hutchins, reported the same without amendment, accompanied by a report (No. 2264), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 9954) for the relief of Lincoln C. Andrews, reported the same without amendment, accompanied by a report (No. 2265), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10591) to grant certain lands to the city of Trinidad, Colo., reported the same without amendment, accompanied by a report (No. 2266), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 32956) extending the general public-land laws over the lands of the former Fort Laramie Post and wood and timber reserve; to the Committee on the Public Lands.

By Mr. WATKINS: A bill (H. R. 32958) to carry into effect the provisions of the act of Congress forming the Public Health Service by providing penalties for the pollution of the navigable streams and lakes of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: A resolution (H. Res. 999) to pay Nannie E. Williams and others salary and burial expenses of John W. Williams; to the Committee on Accounts.

By Mr. ANDREWS: A joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico; to the Committee on the Territories.

By Mr. REEDER: A memorial of the Legislature of Kansas protesting against the discontinuance of United States pension agencies; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON: A bill (H. R. 32959) granting an increase of pension to Joseph A. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32960) granting an increase of pension to Elisha L. Larowe; to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 32961) granting an increase of pension to Eveline H. Crichton; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32962) granting an increase of pension to John J. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32963) granting an increase of pension to Helen E. Sturtevant; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 32964) granting a pension to Roseannah Martin; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 32965) granting an increase of pension to J. D. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32966) granting an increase of pension to C. Milstead; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 32967) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32968) granting an increase of pension to Sarah N. Raulerson; to the Committee on Pensions.

Also, a bill (H. R. 32969) granting an increase of pension to John Bryant; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of mass meeting held at Faneuil Hall, Boston, Mass., praying that Congress take action in favor of the annexation of Crete to Greece; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Washington, praying for an extension of time for desert-land entries; to the Committee on the Public Lands.

Also, petition of Municipal Council of Iloilo, of the Philippine Islands, protesting against certain statements made by Secretary Dean C. Worcester; to the Committee on Insular Affairs.

Also, petition of Eureka Grange, of Mapleton, Me., protesting against the passage of the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of C. F. Frey and four other farmers, protesting against the ratification of the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of Milk Producers' Association of Illinois, Wisconsin, and Indiana, protesting against the ratification of the trade agreement with Canada; to the Committee on Ways and Means.

Also, memorial of Legislature of Massachusetts, praying for the ratification of the Canadian trade agreement; to the Committee on Ways and Means.

Also, petition of Purchase Quarterly Meeting of the Religious Society of Friends, protesting against the fortification of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Westbury Quarterly Meeting of the Society of Friends, of New York City, protesting against the fortification of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Atwood Vanallen, of Collison, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of L. A. Hutchison, of Paris, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. L. B. Russell, of Hoopeston, Ill., praying for the establishment of a national health department; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Senate of the State of New York, praying for legislation to establish a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of M. Jessie Wright, of Chebanse, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of O. E. Harper and 54 other citizens of Danville, Ill., and Danville Trades and Labor Council, praying that the battleship *New York* be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of Putnam County Grange, of Rimer, Ohio, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of the National Piano Manufacturers' Association, in favor of Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of L. S. Miley, Harry B. Bertolette, S. Otto Troutman, C. V. Van Niman, O. D. Bruce, A. G.

Frable, M. Booth, of Shreve, Ohio, favoring the passage of the militia pay bill; to the Committee on Militia.

Also, petition of the official board of the Methodist Episcopal Church, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Monroe Grange, No. 1390, Blissfield, Ohio, against the proposed Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Floral Grange, No. 158, North Bucksport, Me., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of St. Albans Grange, St. Albans, Me., and Pobbossee Contee Grange, West Gardiner, Me., against Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. CALDER: Petition of National Piano Manufacturers' Association of America, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Polish National Alliance, against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York State Pharmaceutical Association, Hudson, N. Y., against House bill 25241; to the Committee on Ways and Means.

Also, petition of Philadelphia Peace Association of Friends, for neutralization of the canal; to the Committee on Military Affairs.

By Mr. COX of Ohio: Petition of the Unity Club, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the third congressional district of Ohio against Senate bill 404; to the Committee on the District of Columbia.

Also, petition of Plainview Council, Junior Order United American Mechanics, Dayton, Ohio, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of 100 members of Vermont Grange, No. 1630, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Middletown, Ohio, against any parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petitions of Washington Camp No. 751, Patriotic Order Sons of America, of Jeannette, Pa.; German Carpenters' Union, No. 164, of Pittsburg, Pa.; and the Junior Order United American Mechanics of Charleroi, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of Salem and Hudson Falls, favoring Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

Also, the petition of Sundance Commercial Club., for an appropriation for a public building for Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. MICHAEL E. DRISCOLL: Petition of Syracuse Pattern Makers' Association and Coopers' Local No. 98, of Syracuse, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of citizens of Appleton and Arkansaw, Wis., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of H. Daniels and other citizens of North Chicago, opposing any increase in postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Zion City Chapter of the American Woman's League, composed of over 100 women, against increase of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Michael Collins, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of National Piano Manufacturers' Association of America, favoring reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of James E. March, against the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Colliers Weekly and P. V. Collins & Co., against proposed post-office bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of E. K. Crawford, Rockford, Ill., for the Esch bill (H. R. 30022); to the Committee on Ways and Means.

Also, petition of the National Association of Merchant Tailors of America and citizens of Shaffona, protesting against an increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GREENE: Petition of Joseph T. Timberley, jr., and other citizens, of New Bedford, Mass., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of many citizens of the State of Maine; Mabel M. Hoffman and 154 members of the Fort Fairfield Grange, No. 262, Patrons of Husbandry, Aroostook County; and the Eastern Star Grange, No. 473, Patrons of Husbandry, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Milltown Grange, No. 151, Patrons of Husbandry, South River, N. J., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petition of the Master Laurel Grange, No. 208, and other citizens, of Washington, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition by citizens of Minnesota, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of John Kavanagh and Michael La Londe, of Bay City, Mich., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of George A. Goddard and 12 other residents of Wolverine, Mich., for a general parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Red Oak Grange, No. 1292, Oscoda County, and Weadock Grange, No. 1145, Weadock County, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. McDERMOTT: Petition of A. C. Milburn, Chicago, Ill., for the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

By McKINNEY: Petition of Maple City Chapter, American Woman's League, Monmouth Ill., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of Elizabeth Gooderham and others, of Huron County; Charles W. Cadow and others, of Sandusky; Walte McLeod and others, of Otter Lake, Fostoria, and Columbiaville, all of the State of Michigan, protesting against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Salem, Weeping Water, Baroda, Martell, Beatrice, Nebraska City, and Lincoln, Nebr., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Paper relative to extension of time to homesteaders; to the Committee on Indian Affairs.

By Mr. NICHOLLS: Petition of Washington Camp No. 177, Patriotic Order Sons of America, Scranton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of National Piano Manufacturers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. PETERS: Petition of the General Court of Massachusetts, favoring reciprocal trade relations with Canada; to the Committee on Ways and Means.

Also, petition of citizens of Massachusetts and others, favoring passage of resolution by Congress favoring annexation of Crete with Greece; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of Pawtucket Council, Junior Order United American Mechanics, Shannock, R. I., urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN: Petition of many employees on railroads of the Atlantic coast lines, advocating higher rates for transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of Senate of the State of Minnesota, for suspension of action on the reciprocity treaty with Canada; to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Sundance Commercial Club for an appropriation for a public building in Sundance; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: Petition of citizens of Denver, Colo., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. THISTLEWOOD: Petition by Edwin Band and 460 other citizens of Cairo, Ill., favoring a Federal bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of the Maritime Association of New York in behalf of the bill (H. R. 32545) for the relief of Gregory Bennett; to the Committee on Interstate and Foreign Commerce.